

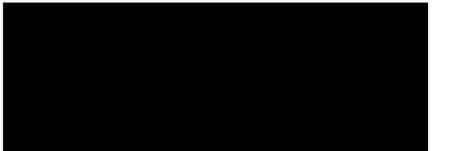
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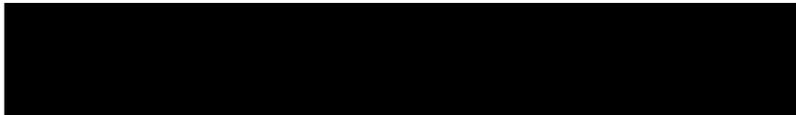


FILE: [REDACTED]
[WAC 05 104 70837]

Office: CALIFORNIA SERVICE CENTER

Date: MAY 22 2006

IN RE: Applicant:

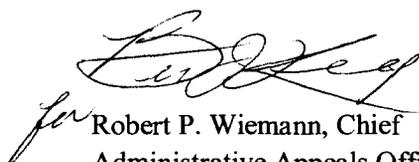


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Honduras who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The record reveals that the applicant filed a Form I-821, Application for Temporary Protected Status, during the initial registration period under Citizenship and Immigration Services (CIS) receipt number SRC 99 260 52627. The director denied that application on May 29, 2001, because the applicant had abandoned his application by failing to respond to a request for evidence regarding his past arrests.

Since the application was denied due to abandonment, there was no appeal available; however, the applicant could have filed a request for a motion to reopen within 30 days from the date of the denial. The applicant did not file a motion to reopen during the requisite timeframe.

The applicant filed the current Form I-821, on January 12, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

If an alien is filing a re-registration application, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

In this case, the applicant has not previously been granted TPS. Therefore, he is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

The applicant's Federal Bureau of Investigation fingerprint results report shows that on June 11, 1999, in Monroe County, Florida, he was arrested for: (1) "NONMOVING TRAFFIC VIOL-DWLS," (driving with license suspended with knowledge), a misdemeanor; (2) "RESISTING OFFICER - WO VIOL," a misdemeanor.

On July 15, 2002 in Dade County, Florida, he was arrested for: (1) "NONMOVING TRAFFIC VIOL - DRIVING WHILE LICENSE SUSPENDED WITH KNOWLEDGE," a misdemeanor, (2) "FLIGHT - ESCAPE," a misdemeanor.

On August 8, 2001 in St. Johns, Florida, he was arrested for "COUNTY ORDINANCE VIOL - VOP DWLSR."

On August 15, 2001 in Dade County, Florida, he was arrested for "NONMOVING TRAFFIC VIOL - DWLS," a misdemeanor.

On October 2, 2001 in Dade County, Florida, he was arrested for "NONMOVING TRAFFIC VIOL - DRIVING WHILE LICENSE SUSPENDED WITH KNOWLEDGE," a misdemeanor.

On January 18, 2003, in Dade County Florida, he was arrested for “NONMOVING TRAFFIC VIOL – DRIVER LICENSE EXPIRED MORE THAT 4 MON.”

On January 9, 2004 in Dade County, Florida, he was arrested for “MARIJUANA – POSSESS – CANNABIS POSSESSION 20 GRAMS OR LESS,” a misdemeanor.

On April 7, 2005, in Dade County, Florida, he was arrested for “CONSERVATION – ENVIRONMENT – BW FLORIDA LITTER LAW” a misdemeanor.

On July 6, 2005, in Dade County, Florida, he was arrested for “NONMOVING TRAFFIC VIOL – BW NO VALID DRIVERS LICENSE.”

On December 8, 2005, in Dade County, Florida, he was arrested for (1) “COCAINE PURCHASE POSN W INTENT TO PURCHASE,” a felony, (2) “CANNABIS PURCHASE POSN W INTENT TO PURCHASE,” a felony.

On December 27, 2005, in Dade County, Florida, he was arrested for “COCAINE – POSSESS -,” a felony, (2) “COCAINE – POSSESS -,” a felony.

The final court dispositions of these arrests are not included in the record of proceeding. CIS must address these arrests and/or convictions in any future decisions or proceedings.

It is noted that, in removal proceedings held on May 18, 1999, an Immigration Judge in San Juan, Puerto Rico, ordered the applicant deported “in absentia” to Honduras. It is further noted that the record contains an outstanding Form-205, Warrant of Removal/Deportation, issued by the Acting District Director of the San Juan , Puerto Rico, office of CIS, (formerly, the Immigration and Naturalization Service) on May 21, 1999.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. An alien applying for temporary protected status has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has failed to meet this burden.

ORDER: The appeal is dismissed.