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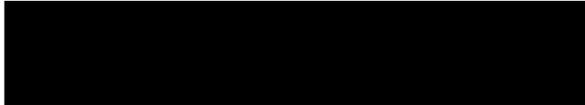
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Office: CALIFORNIA SERVICE CENTER

Date:

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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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 claims to be a 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 Form I-821, Application for Temporary Protected Status on June 5, 2002 under CIS receipt number SRC 02 194 50257. The application was denied by the Director, Texas Service Center, on May 27, 2003 because the applicant failed to submit all requested documents in response to a Notice of Intent to Deny mailed by the Service to the applicant. Specifically, the applicant failed to provide photo identification and proof that he is eligible for late registration under TPS. The record does not show that the applicant filed an appeal.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 15, 2004 and indicated that it was his first application to register for TPS.

The director denied the application because the applicant failed to establish he was eligible for late registration. On appeal, the applicant states that he has been physically living in the United States since 1998 until the present time and that he had answered all correspondence that he received from the Service. He also submits copies of his Honduran passport issued in Miami, Florida on August 3, 2001 and some documents to establish that he had been present in the United States since 1998.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant who is a national of a foreign state designated by the Attorney General is eligible for TPS only if such alien establishes that he or she:

- (a) Is a national of a state designated under section 244(b) of the Act;
- (b) Has been continuously physically present in the United States since the effective date of the most recent designation of that foreign state;
- (c) Has continuously resided in the United States since such date as the Attorney General may designate;
- (d) Is admissible as an immigrant except as provided under section 244.3;
- (e) Is not ineligible under 8 C.F.R. § 244.4; and
- (f)
  - (1) Registers for Temporary Protected Status during the initial registration period announced by public notice in the FEDERAL REGISTER, or
  - (2) During any subsequent extension of such designation if at the time of the initial registration period:

- (i) The applicant is a nonimmigrant or has been granted voluntary departure status or any relief from removal;
  - (ii) The applicant has an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;
  - (iii) The applicant is a parolee or has a pending request for reparole; or
  - (iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.
- (g) Has filed an application for late registration with the appropriate Service director within a 60-day period immediately following the expiration or termination of conditions described in paragraph (f)(2) of this section.

Persons applying for TPS offered to Hondurans must demonstrate continuous residence in the United States since December 30, 1998, and continuous physical presence since January 5, 1999. The initial registration period for Honduras was from January 5, 1999 through August 20, 1999. The record reveals that the applicant filed his initial application with Citizenship and Immigration Services (CIS) on December 15, 2004.

To qualify for late registration, the applicant must provide evidence that during the initial registration period he fell within at least one of the provisions described in 8 C.F.R. § 244.2(f)(2) above.

The burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by CIS. 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof, the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b).

On February 15, 2006, the Service notified the applicant of its intent to deny his TPS application and requested evidence establishing his eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2). The applicant submitted a response on April 14, 2006.

The director determined that the applicant had failed to establish he was eligible for late registration and denied the application on April 15, 2006. On appeal, the applicant states that he has been physically living in the United States since 1998 until the present time and that he had answered all correspondence that he received from the Service. He also submits copies of his Honduran passport issued in Miami, Florida on August 3, 2001 and some documents to establish that he had been present in the United States since 1998.

The applicant has submitted evidence with his initial I-821 application in an attempt to establish his qualifying residence and physical presence in the United States. However, this evidence does not mitigate the applicant's failure to file his Form I-821, Application for Temporary Protected Status, within the initial registration period. The applicant has not submitted any evidence to establish that he has met any of the criteria for late registration described in 8 C.F.R. § 244.2(f)(2). Consequently, the director's decision to deny the application for TPS will be affirmed.

Finally, the record indicates that the applicant was arrested on two different occasions. On January 21, 1996, he was arrested by the Metro Dade Police and charged with burglary of an automobile. On October 11, 1998, he was also arrested by the Metro Dade Police and charged with Transit Fare Evasion. The court disposition submitted by the applicant indicates that he pleaded *nolle prosequi* to both charges. The AAO is not rendering a decision on how they affect his TPS application at this time. These offenses must be addressed in any further immigration proceedings.

An alien applying for TPS 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.