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**U.S. Citizenship
and Immigration
Services**

M1

FILE:

Office: CALIFORNIA SERVICE CENTER

Date: APR 09 2007

[WAC 05 081 74581 as it relates to SRC 03 185 54366]

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 California Service Center. Any further inquiry must be made to that office.

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

**Robert P. Wiemann, Chief
Administrative Appeals Office**

DISCUSSION: The application was denied by the Director, California Service Center, CSC, and is now before the Administrative Appeals Office (AAO) 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 applicant filed an initial application for TPS after the initial registration period had closed. The Director, Texas Service Center, (TSC), denied that application on December 22, 2003, after determining that the applicant had failed to establish he was eligible for late initial registration. The Director, TSC, reopened the case on February 23, 2004, and provided the applicant with an opportunity to submit additional evidence. The applicant filed a motion to reopen based upon the February 23, 2004, decision and the matter was forwarded to the Director, AAO. On December 20, 2005, the Director, AAO, remanded the case because no determination had been made on the latest motion to reopen. On February 22, 2006, the Director, TSC, dismissed the applicant's motion to reopen and denied the application and again determined that the applicant had failed to register for TPS in a timely manner within the initial registration period.

The applicant filed the current Form I-821, on December 16, 2004, and indicated that he was re-registering for TPS.

The Director, CSC, 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.

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.

There is no indication that the applicant was attempting to file a late initial application for TPS instead of an annual re-registration. Moreover, there is no evidence in the file to suggest that the applicant is eligible for late registration for TPS under 8 C.F.R. § 244.2(f)(2).

Beyond the decision of the director, it is noted that the applicant has provided insufficient evidence to establish his continuous residence and continuous physical presence during the required time period. 8 C.F.R. § 244.2 (b) and (c). Therefore the application shall be denied for these additional reasons.

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 cited 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.