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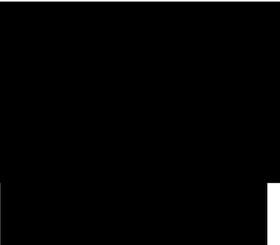
U.S. Citizenship
and Immigration
Services

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APR 27 2007

FILE:



OFFICE: Vermont Service Center

DATE:

[EAC 06 228 70321]

IN RE:

Applicant:



APPLICATION:

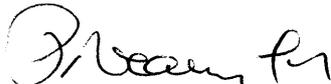
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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.


Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The applicant is 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 an initial Form I-821, Application for Temporary Protected Status, on November 1, 2000, under Citizenship and Immigration Services (CIS) receipt number EAC 01 085 50239. The director denied that application on November 9, 2001, on the ground that the applicant – whose Form I-821 was not filed during the initial registration period for Honduran nationals, which expired on August 20, 1999 – failed to establish that he qualified for late TPS registration under the provisions of 8 C.F.R. § 244.2(f)(2).

The applicant filed the current Form I-821, which he designated as an application for re-registration or renewal of TPS, on May 16, 2005. The director denied the application on the same date, stating that because the applicant's initial TPS application had been denied, the applicant was not eligible to re-register for TPS.

On appeal the applicant requests that his case be reconsidered, and resubmits copies of some documentation already in the record. The applicant asserts that he was led to believe his original Form I-821 was approved when his initial Form I-765, Application for Employment Authorization, was approved in 2001. The applicant's original Form I-765 was provisionally approved in July 2001 while the initial Form I-821 was still pending. Since employment authorization ultimately hinges on the applicant's approval for TPS, however, the Form I-765 application was subsequently denied by the VSC on November 9, 2001, the same day the Form I-821 was denied. Subsequent applications for employment authorization were likewise denied by the VSC.

If the applicant is filing an application as a re-registration, 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. *See* 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. Nor is there any 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). Accordingly, the director's decision to deny the application will be affirmed.

An alien applying for Temporary Protected Status, or 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 that burden.

ORDER: The appeal is dismissed.