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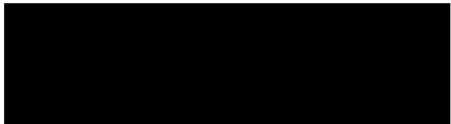
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
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Services

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FILE:



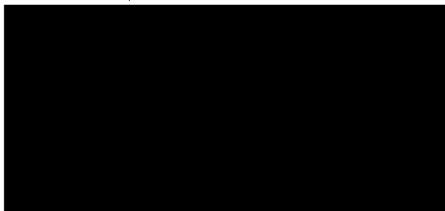
Office: CALIFORNIA SERVICE CENTER

Date: APR 30 2007

[WAC 05 800 15622]

IN RE:

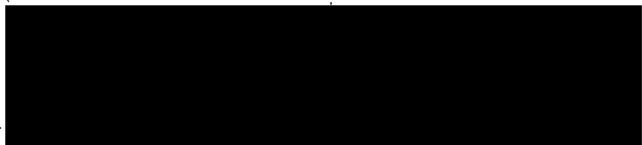
Applicant:



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 initial application for Temporary Protected Status (TPS) was denied by the Director, Vermont Service Center, [EAC 99 257 51458]. A subsequent motion to reopen was dismissed by the director on December 13, 2002. The applicant re-filed for TPS on July 29, 2003 [EAC 03 228 53083]. On October 15, 2003, the director denied the application. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO) on August 2, 2005. The applicant re-filed for TPS on September 3, 2004 [EAC 04 250 51833]. On September 1, 2005, the director denied the application.

The applicant subsequently filed a re-registration application on December 20, 2004. The Director, California Service Center, denied the application on June 27, 2005. The applicant filed an appeal that is now before the AAO on appeal. 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 a TPS application during the initial registration period under CIS receipt number EAC 99 257 51458. The Director, Vermont Service Center, denied that application on May 17, 2002, due to abandonment. On June 17, 2002, the applicant filed a motion to reopen. The motion to reopen was dismissed by the director on December 13, 2002, because the motion had been filed untimely (two years after the director's decision).

The applicant re-filed a TPS application on July 29, 2003, that was denied on October 15, 2003, reconsidered on appeal, and again denied by the AAO on August 2, 2005. A subsequent application submitted by the applicant on September 3, 2004, was denied on September 1, 2005.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 20, 2004, 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 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. 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.

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).

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.