



U.S. Citizenship
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AUG 17 2007

FILE: [REDACTED]
[WAC 05 084 75837]

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.

Robert P. Wismann, 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 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 with the Nebraska Service Center (NSC) on May 14, 2002, after the initial registration period had expired under Citizenship and Immigration Services (CIS) receipt number LIN 02 196 50964. The Chicago District Director, denied that application on March 12, 2003, because the applicant failed to appear for an interview regarding his TPS application. After a review of the record, the Chief, AAO, concurs with the director's denial decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 23, 2004, and indicated that he was re-registering for TPS.

The CSC director denied the re-registration application on June 9, 2006, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. The applicant filed his current appeal from that decision on July 7, 2006.

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).

Beyond the decision of the director, it is noted that the record contains final court dispositions indicating that the applicant has been convicted of the following misdemeanors in Livingston County, Illinois, under the name of Juan L. Roman:

- 1) On December 4, 1998, the applicant was convicted of Driving Under the Influence of Alcohol. Case number [REDACTED]
- 2) On January 31, 2001, the applicant was convicted of Driving on a Suspended License. Case number [REDACTED]
- 3) On January 31, 2001, the applicant was convicted of Driving on a Suspended License. Case number [REDACTED]
- 4) On January 31, 2001, the applicant was convicted of Driving on a Suspended License. Case number [REDACTED]

Therefore, the applicant is ineligible for TPS because of his four misdemeanor convictions. 8 C.F.R. § 244.4(a). Consequently, the case must also be denied for this reason

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 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.