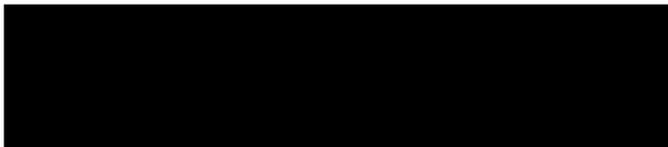


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**U.S. Citizenship
and Immigration
Services**

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FILE:



WAC 05 103 77547

Office: CALIFORNIA SERVICE CENTER

Date:

AUG 24 2007

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. 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 record reveals that the applicant filed a first TPS application on November 30, 2001, after the initial registration period had ended, under receipt number SRC 02 094 54730. The Director, Texas Service Center (TSC), denied that application on July 26, 2003, because the applicant failed to establish her eligibility for late registration as well as her qualifying continuous residence and continuous physical presence in the United States during the requisite periods. 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 January 11, 2005, and indicated that she was re-registering for TPS.

The CSC director denied the re-registration application on July 23, 2005, 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 her current appeal from that decision on September 12, 2005.

On appeal, the applicant states that she is qualified for TPS because her parents are under TPS. She also submits photocopies of documents to support her claim.

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, she is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

The applicant claims on appeal that she is eligible for TPS because her parents are under TPS. She also submits photocopies of her Honduran birth certificate in Spanish, her mother's Form I-797C receipt for an appeal, and her Employment Authorization Cards. The evidence submitted by the applicant does not indicate that either of her parents is eligible to be TPS registrants. Furthermore, while regulations may allow a child of TPS beneficiaries to file his or her application after the initial registration period had closed, these regulations do not relax the requirements for eligibility for TPS.

While the child of an eligible TPS registrant is eligible to submit a late initial registration, the child is still required to meet the residence and physical presence requirements as provided in 8 C.F.R. §§ 244.2(b) and (c).

By her own admission, the applicant arrived in the United States on September 15, 2001, a date subsequent to the eligibility period. Consequently, she cannot satisfy the residence and physical requirements required by the regulations. Therefore, the application must also be denied for these reasons.

The record of proceeding reflects that on February 27, 2002, an immigration judge ordered the applicant removed from the United States to Honduras. A Warrant of Removal/Deportation, Form I-205, was issued on March 22, 2002, by the District Director in San Antonio, Texas. The warrant remains valid and outstanding.

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.