



U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY



MI

AUG 24 2007

FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

[WAC 05 050 72365]

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 claims to be 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 first TPS application on June 18, 2002, with the Texas Service Center (TSC), under receipt number SRC 02 204 56819. The TSC director denied that application on September 16, 2002, because the applicant failed to establish she was eligible for late registration. On September 26, 2002, the applicant filed an appeal from the denial decision. The AAO dismissed the appeal on February 27, 2003. On April 30, 2004, the applicant filed a first motion to reopen her case. The AAO dismissed the motion on August 29, 2005, because it was not filed timely. The applicant filed a second motion to reopen on October 24, 2005. A decision on the second motion will be provided under separate cover.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on November 19, 2004, and indicated that she was re-registering for TPS.

The 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 the current appeal from that decision on August 12, 2005.

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.

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).

It is noted that the record reflects that the applicant was apprehended entering the United States without inspection on January 5, 1999. On May 12, 1999, an Immigration Judge in Phoenix, Arizona, ordered the applicant removed from the United States to Honduras. That order remains outstanding.

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.