

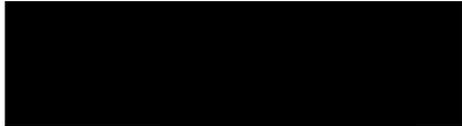


U.S. Citizenship
and Immigration
Services

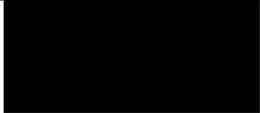
PUBLIC COPY

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

MI



FILE:



Office: VERMONT SERVICE CENTER

Date: **AUG 24 2007**

[EAC 02 220 52009]

IN RE:

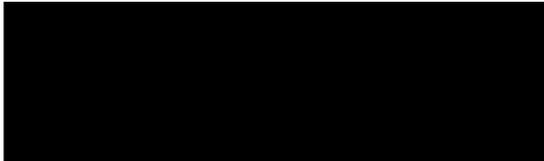
Applicant:



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 California Service Center. 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 (VSC), 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 first TPS application on June 2, 2000, after the initial registration period had ended, under Citizenship and Immigration Services (CIS) receipt number EAC 01 088 51017. The VSC director denied that application on July 26, 2001, due to abandonment because the applicant failed to appear for a fingerprinting appointment. 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 June 13, 2002, and indicated that she was re-registering for TPS.

The VSC director denied the re-registration application on July 10, 2002, 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 August 7, 2002.

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 applicant's Form I-589, Request for Asylum in the United States, was administratively closed on December 28, 2001. While a pending application for asylum may render an applicant eligible for late registration, CIS regulations also require that an application for late registration to be filed within a 60-day period immediately following the expiration or termination of conditions that made the applicant eligible for late registration. 8 C.F.R. § 244.2(g). In this case, since the applicant's Form I-589 was terminated on December 28, 2001, her 60-day period for late registration actually expired on February 27, 2002. The applicant filed the current application with CIS on June 13, 2002.

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.