



U.S. Citizenship
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Services

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FILE:



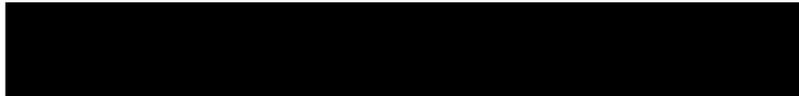
Office: California Service Center

Date: FEB 16 2007

[WAC 05 111 80735]

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, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center, 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 late initial TPS application on June 25, 2002, under CIS receipt number SRC 02 211 54216. The director, Texas Service Center, denied that application on September 17, 2002, because the applicant failed to submit evidence to establish eligibility for late initial registration. The record reflects that a subsequent appeal to the AAO was dismissed by the AAO Director, on April 24, 2003. The applicant filed a motion to reopen the AAO's decision which was dismissed by the AAO, on January 3, 2006.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 19, 2005, under CIS receipt number WAC 05 111 80735, and indicated that he was re-registering for TPS. The director, California Service Center, denied that application on August 16, 2005, as the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. It is noted that the original appeal decision was a remand. The record is now complete.

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.