



U.S. Citizenship  
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Services

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FILE:   
[WAC 05 047 71505]

Office: CALIFORNIA SERVICE CENTER

Date: FEB 16 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, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is stated 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 TPS application on July 17, 2001, under Citizenship and Immigration Services (CIS) receipt number SRC 01250 54828. The Texas Service Center (TSC) director denied that application on March 25, 2002, because the applicant failed to establish his eligibility for TPS late registration. The applicant filed a motion to reopen which was dismissed on February 10, 2005. After a review of the record, the Chief, AAO, concurs with the TSC director's denial decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 18, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

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).

A review of the record of proceedings reflects that the applicant was apprehended by the United States Border Patrol on February 23, 1999, at Eagle Pass, Texas. The record also reveals that the applicant stated that he departed Honduras on February 3, 1999, and traveled through Guatemala and Mexico en route to the United States. Therefore, the applicant could not have established his qualifying continuous physical presence and continuous residence during the requisite time periods. 8 C.F.R. § 244.2(b) and (c). The application must also be denied for these reasons.

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 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.