

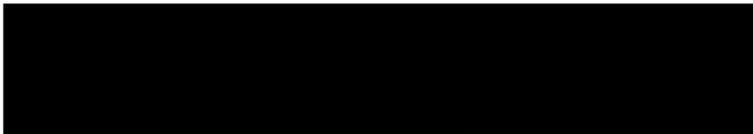


U.S. Citizenship
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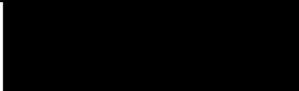
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JAN 12 2007

FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

[WAC 05 076 71694]

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 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 during the initial registration period under CIS receipt number LIN 99 217 51168. The Nebraska Service Center (NSC) director denied that application on September 17, 2001, because the applicant failed to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite periods. The applicant filed an appeal which was dismissed on October 17, 2002. On November 18, 2002, the applicant filed a subsequent motion to reopen which was denied on June 29, 2004.

On July 3, 2002, the applicant filed a subsequent TPS application under CIS receipt number LIN 02 237 50883. The Nebraska Service Center (NSC) director denied that application on June 17, 2003, due to abandonment. The applicant filed a motion to reopen which was dismissed on August 20, 2003.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 15, 2004, 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).

Although not addressed by the director, the record of proceedings contains the Federal Bureau of Investigation report reflecting that the applicant was arrested on March 26, 1999, by the Washington D.C. Criminal Division for "USC 1542 False Statement in Application and Use of Passport". The applicant was also arrested on March 26, 2000, by the Waukegan [Illinois] Police Department and charged with "DUI/Alcohol." CIS must address these arrests and/or any convictions in any future decisions or proceedings.

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.