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U.S. Citizenship  
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[REDACTED]

FILE:

[REDACTED]  
[WAC 05 081 75543]

Office: CALIFORNIA SERVICE CENTER

Date: **JAN 30 2007**

IN RE:

Applicant:

[REDACTED]

APPLICATION:

Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:

[REDACTED]

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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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 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 TPS application during the initial registration period on January 19, 1999, under Citizenship and Immigration Services (CIS) receipt number WAC 99 102 52267. The Director, California Service Center, denied that application for abandonment on December 7, 2000, because the applicant failed to appear for a scheduled interview. On October 4, 2004, the applicant filed a motion to reopen the denial decision. The Director, California Service Center, dismissed that motion on February 15, 2006.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 20, 2004, and indicated that she 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.

On appeal, the applicant states that she is not in possession of the original denial and does not know why the evidence presented was not sufficient. The applicant also requests 30 days in which to submit a brief and /or evidence. To date, there has been no further correspondence from the applicant or counsel. Therefore, the record must be considered 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 is not a current TPS registrant. Therefore, she is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

It is noted that the director's decision does not explore the possibility that the applicant was attempting to file a late initial application for TPS instead of an annual re-registration.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant may apply for TPS during the initial registration period, or:

- (f) (2) During any subsequent extension of such designation if at the time of the initial registration period:
  - (i) The applicant is a nonimmigrant or has been granted voluntary departure status or any relief from removal;

- (ii) The applicant has an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;
  - (iii) The applicant is a parolee or has a pending request for reparole; or
  - (iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.
- (g) Has filed an application for late registration with the appropriate Service director within a 60-day period immediately following the expiration or termination of conditions described in paragraph (f)(2) of this section.

The initial registration period for Hondurans was from January 5, 1999 to August 20, 1999. The record reveals that the applicant filed the current application with CIS on December 20, 2004.

To qualify for late registration, the applicant must provide evidence that during the initial registration period she fell within at least one of the provisions described in 8 C.F.R. § 244.2(f)(2) above.

The burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by CIS. 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof, the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b).

On appeal, the applicant states that she does not have the original denial decision explaining why the evidence she submitted did not meet the requirements. According to the applicant, in order to appeal, it is necessary to know the exact reason for denial. The applicant also requests 30 days in which to submit a brief and /or evidence. To date, there has been no further correspondence from the applicant or counsel. Therefore, the record must be considered complete. Although the applicant claims that she does not have a copy of the initial denial decision, the record contains a motion to reopen the proceeding based on the director's decision. CIS is not responsible for the fact that the applicant does not currently have a copy of this decision.

The applicant, however, has failed to provide any evidence to establish that this application should be accepted as a late initial registration under 8 C.F.R. § 244.2(f)(2). **Therefore, the application also must be denied for this reason.**

It is noted that a Federal Bureau of Investigation fingerprint results report indicates that the applicant was arrested by the Los Angeles, Police Department on June 9, 1998 for "M Theft of Pers Prop". The final disposition for this arrest is not included in the record, nor were the final court dispositions requested to be provided. CIS must address these arrests in any future proceedings.

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.