

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



MI

FILE:



Office: California Service Center

Date:

JUL 05 2007

[WAC 05 078 72960]

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 on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Nicaragua 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 12, 2003, under CIS receipt number SRC 03 179 53663. The director, Texas Service Center, denied that application on September 25, 2003, because the applicant failed to establish that she was eligible for late initial registration for TPS. The record reflects that the applicant filed a motion to reopen/reconsider on October 23, 2003. The director granted the motion, noted that the applicant did not overcome the basis for denial, and requested that the applicant submit, within 30 days, evidence to establish her eligibility for late initial registration. On February 24, 2004, on Service Motion, the director notified the applicant that the additional evidence furnished did not establish her eligibility for late initial registration and ordered that the initial denial of the TPS application stand.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 17, 2004, under CIS receipt number WAC 05 078 72960, and indicated that she was re-registering for TPS. The California Service Director denied that application on July 23, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to re-register for TPS.

On appeal the applicant states that she entered the United States in June 1998, and she would like the opportunity to be free to work to support her family. With the appeal, in an attempt to establish her eligibility for TPS, the applicant submits copies of various documents including receipts, course completions, and a marriage certificate.

However, the applicant 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).

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.

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.