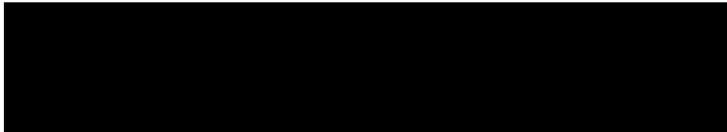


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Services

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FILE:



Office: California Service Center

Date:

JUL 05 2007

[WAC 05 096 86855]

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 California Service Center. 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 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 an initial TPS application on June 30, 1999, under CIS receipt number SRC 99 210 52550. The director, Texas Service Center, denied that application on October 28, 2003, because the applicant failed to submit final court dispositions for three arrests: on October 23, 1999, on November 4, 2000, and on December 6, 2001. The record does not reflect that the applicant filed an appeal or a motion to re-open/reconsider.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 4, 2005, under CIS receipt number WAC 05 096 86855, and indicated that he was re-registering for TPS. The 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 an appeal brief will be submitted within 60 days. However, the record does not reflect receipt of an appeal brief. Also, the applicant does not submit any additional evidence on appeal. 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 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.

As noted by the Texas Service Center Director the applicant's Federal Bureau of Investigation (FBI) fingerprint results report, completed in connection with his subsequent TPS re-registration application, reflects arrests for the applicant. Specifically, the report indicates that:

1. On October 23, 2000, the applicant was arrested by the Hialeah Police Department, Hialeah, Florida, and charged with, Charge 1: DRIVING WHILE LICENSE SUSPENDED WITH KNOWLEDGE; and, Charge 2: TAG NOT ASSIGNED TO VEHICLE;
2. On November 4, 2000, the applicant was arrested by the Altamote Springs Police Department, Florida, and charged with, Charge 1: POSS ANTISHOPLIFT CNTRL DVC COUNTERMEASURE;
3. On December 6, 2001, the applicant was arrested by the Dade Police Department, Florida, and charged with, Charge 1: DWLS;
4. On April 30, 2003, the applicant was arrested by the Dade Police Department, Florida, and charged with, Charge 1: Charge 1: DRIVING WHILE LICENSE SUSPENDED HABITUAL; a felony. The

Court disposition indicates a conviction, on a guilty plea, and a sentence of one year probation, plus fines, fees, and costs.

The final court dispositions for the arrests shown in items numbered 1,2, and 3, above are not in the record of proceeding. CIS must address these arrests and any convictions in any future proceedings.

It is noted that the applicant failed to appear at a scheduled hearing and was ordered removed *in absentia* by an Immigration Judge on August 24, 2004.

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.