



U.S. Citizenship
and Immigration
Services

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FILE:



Office: California Service Center

Date:

JUL 09 2007

[WAC 05 104 76314]

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.

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

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 (AAO) 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 a late initial TPS application on June 26, 2002, under CIS receipt number SRC 02 211 54187. The director, Texas Service Center, denied the application on September 17, 2002, because the applicant failed to establish that he was eligible for late initial registration for TPS. A subsequent appeal was dismissed by the Director, (AAO), on February 27, 2003. The AAO affirmed the director's decision to deny the application for late initial registration for TPS. A subsequent motion to reopen was dismissed by the Director, AAO, as untimely, in a decision issued concurrently with this decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 12, 2005, under CIS receipt number WAC 05 104 76314, and indicated that he was re-registering for TPS. The director, California Service Center, denied that application on May 16, 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 he has been in the United States since 1996, and he would like the opportunity to live and work freely in this county to help his family. With the appeal, in an attempt to establish eligibility for TPS the applicant submits photocopies of:-

- Four United States Postal Service money order rent receipts;
- 2 untranslated documents (in Spanish) from International Training Careers;
- An unclear U.S. Express Mail receipt, dated May 18, 2003;
- A receipt from 3M Communication, Inc., dated in 2003; and,
- Numerous generic receipts.

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.

Furthermore, as determined by the Director, Texas Service Center, and affirmed by the Director, AAO, the applicant has not submitted evidence to establish eligibility for late initial registration.

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.