



U.S. Citizenship
and Immigration
Services

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JUL 13 2007

FILE: [REDACTED]
[WAC 05 161 72603]

OFFICE: California Service Center

DATE:

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: 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.

Handwritten signature of Robert P. Wiemann in dark ink.
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center (CSC). It is now on appeal before the Administrative Appeals Office (AAO). 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 – who was born in Honduras on March 16, 1993, and claims to have entered the United States in 1998 – filed an initial Form I-821, Application for Temporary Protected Status, at the Texas Service Center (TSC) on June 27, 2002. That application [SRC 02 213 54945] was denied by the TSC Director on December 20, 2002, on the ground that the applicant failed to submit all of the evidence requested to establish his national identity; that he had resided in the United States continuously since December 30, 1998, and had been continuously physically present in the United States since January 5, 1999, as required for TPS applicants from Honduras; and that he was eligible for late TPS registration under one of the criteria enumerated in 8 C.F.R. § 244.2(f)(2). The applicant appealed to the AAO, which dismissed the appeal on September 4, 2003, on the grounds that the evidence of record failed to establish that the applicant had been continuously resident and continuously physically present in the United States from the applicable dates for Honduran nationals, and on the additional ground that the applicant – who filed nearly three years after the initial registration period ended on August 20, 1999 – failed to establish that he was eligible for late TPS registration.

The applicant filed the current TPS application, which he identified as an application for re-registration of TPS, at the California Service Center on March 10, 2005. The CSC Director denied the application on July 23, 2005, on the ground that since the initial TPS application had been denied for failure to establish prima facie eligibility, the applicant was ineligible to re-register for TPS. The applicant filed a timely appeal and submitted some additional documentation.¹

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. *See* 8 C.F.R. § 244.17.

¹ The documentation submitted on appeal includes a photocopy of an Approval Notice sent to the applicant's mother, [redacted] [Alien # [redacted]] by the Texas Service Center on July 7, 2003, granting her TPS based on the application she filed on September 8, 1999 (during the initial registration period for Honduran nationals). This evidence establishes the applicant's eligibility for late TPS registration, in accordance with 8 C.F.R. § 244.2(f)(2)(iv), and overcomes that ground for denial of the initial TPS application. Another document submitted on appeal is a letter from an individual in Coral Gables, Florida, dated August 21, 2005, who states that the applicant lived in his apartment in Miami, Florida, from November 1998 to May 1999. Letters from acquaintances are not, by themselves, persuasive evidence of an alien's continuous residence and physical presence in the United States. No further documentation has been submitted of the applicant's residence and presence in the United States in late 1998 and early 1999. The AAO concludes that insufficient evidence has been submitted of the applicant's continuous residence in the United States since December 30, 1998, and continuous physical presence in the United States since January 5, 1999, to overcome those grounds for denial of the initial TPS application and to warrant a reopening of that application.

In this case, the applicant has not previously been granted TPS. Therefore, he is not eligible to re-register for TPS. Accordingly, the director's decision to deny the application will be affirmed.

An alien applying for Temporary Protected Status, or TPS, 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 that burden.

ORDER: The appeal is dismissed.