



U.S. Citizenship  
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JUL 27 2007

FILE:

[WAC 05 049 75527]

Office: CALIFORNIA SERVICE CENTER

Date:

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*  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial TPS application was denied by the Director, Texas Service Center. A subsequent application for re-registration 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 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 subsequent to the initial registration period under CIS receipt number SRC 01 244 54062. The Director, Texas Service Center, denied that application on July 31, 2002, due to abandonment, because the applicant failed to respond to the Notice of request for evidence.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on November 18, 2004, and indicated that she was re-registering for TPS.

The director denied the re-registration application on May 16, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.<sup>1</sup>

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.

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). The applicant has failed to meet this burden.

**ORDER:** The appeal is dismissed.

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<sup>1</sup> It is noted that the applicant has failed to submit sufficient evidence to establish her continuous residence and continuous physical presence in the United States during the requisite time periods. There has been no evidence submitted to establish the applicant's presence in the United States from October of 1999 through July of 2001. The applicant's parents both stated in their TPS re-registration applications, dated May 30, 2002, that the applicant's residence was in San Pedrosula, Honduras, indicating her absence from the United States for an undetermined period of time.