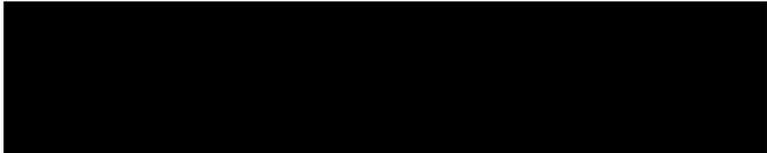


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and Immigration
Services**

**identifying data deleted to
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invasion of personal privacy**



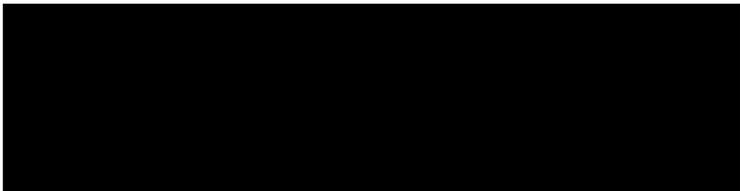
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FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE: JUN 12 2007
[WAC 05 062 77123]

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:



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, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center (CSC), 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 TPS application during the initial registration period under receipt number SRC 99 191 53246. The Director, Texas Service Center (TSC), denied that application on September 28, 2002, because the applicant had failed to respond to a request to submit police history and clearance checks for every city where he had lived for the past five years, and the final court dispositions of all of his arrests, including his arrest on June 4, 1993, in Dade County, Florida, for the felony offense of aggravated battery with a deadly weapon. On November 5, 2002, the applicant filed an appeal from the denial decision. He claimed that the director's decision informing him that he had an arrest record was an error because he "never had any problem with the police." He submitted a "good conduct letter" from the City of Miami and a letter from the Miami-Dade Police Department. The AAO reviewed the record of proceeding and the evidence furnished on appeal and noted that the applicant had not submitted the requested final court disposition of his June 4, 1993 arrest. Therefore, the AAO dismissed the appeal on April 25, 2003. On October 28, 2003, a motion to reopen was filed, more than 30 days after the required period to file a motion. On January 7, 2004, the TSC director dismissed the motion because the motion did not state new facts and was not supported by affidavits or other documentary evidence, nor did he submit the final court disposition of his arrest.

It is noted that during the inception of the TPS application, the applicant had furnished inconsistent addresses. On his initial application filed on June 15, 1999, and subsequent filings of Forms I-821 and applications for employment authorization (EAD) dated July 3, 2000 and July 2, 2002, he indicated that his address was [REDACTED]; Forms I-821 and EAD applications dated August 4, 2001, and December 1, 2003, show his address as [REDACTED]; the applicant's appeal of the TSC director's denial filed on November 5, 2002, including the envelope used to mail the appeal, and Form G-28, Notice of Entry of Appearance as Attorney or Representative (furnished by the applicant's former attorney) dated October 20, 2003, listed the same address with no apartment number listed.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 1, 2004, and indicated that he was re-registering for TPS.

The CSC director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

The applicant makes no statement on appeal. He resubmits evidence previously furnished, and also submits copies of court documents relating to his June 4, 1993 arrest.

The applicant is filing the current TPS application as a re-registration; therefore, 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.

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.