



U.S. Citizenship
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FILE: [REDACTED]
[WAC 05 085 76356]

Office: California Service Center

Date: JUN 27 2007

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 California Service Center. Any further inquiry must be made to that office.


for 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.

It is noted that although a Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted, the individual named does not indicate whether she is an attorney or an accredited representative, or is otherwise authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

The record reveals that the applicant filed a late initial TPS application on May 22, 2002, under CIS receipt number EAC 02 200 51092. The director, Vermont Service Center, denied that application on June 17, 2003, because the applicant failed to establish that he was eligible for late initial registration for TPS. The record reflects that in a subsequent appeal, the AAO Director dismissed the appeal and affirmed the director's decision, on June 8, 2005.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 24, 2004, under CIS receipt number WAC 05 085 76356, and indicated that he was re-registering for TPS. The director, California Service Center, denied that application on July 23, 2005, as the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

On appeal, the applicant states that he would like the opportunity to live and work freely in this country to support his family. With his appeal, in an attempt to establish his continuous residence and his continuous physical presence in the United States, the applicant submits photocopies of:-

1. A letter of good conduct from the Union City Police Department;
2. A birth certificate and a Social Security card for his child, Stacy Elizabeth Oviedo;
3. His Honduran birth certificate (in Spanish);
4. A 1995 Form 1099-MISC;
5. A medical prescription, dated March 12, 2001;
6. A Liberty HealthCare System, Inc. identification card;
7. Four rent receipts, dated in 2001;
8. 8 money transfer receipts;
9. An employment reference letter, dated May 10, 2000, stating that the applicant has been employed since July 1998;
10. A completed Application for Employment Authorization, Form I-765, and an Application for Temporary Protected Status, Form I-821, signed by the applicant on May 11, 2000; and,
11. A CIS receipt notice, dated June 11, 2003.

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.

It is also noted that there is no evidence of record to establish the applicant's eligibility for late initial registration for TPS.

Beyond the decision of the director, it is noted that although the record of proceedings contains a Honduras birth certificate and English translation, (in Spanish), the certificate was not accompanied by an English translation as required by 8 C.F.R. § 103.2(b)(3), and it was not accompanied by a photo identification to establish the applicant's nationality and identity as required by 8 C.F.R. § 244.9(a)(1). In addition, the applicant has not submitted sufficient evidence to establish his continuous residence in the United States from December 28, 1998 and his continuous physical presence since January 5, 1999. Therefore, the application will also be denied for these reasons.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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.