

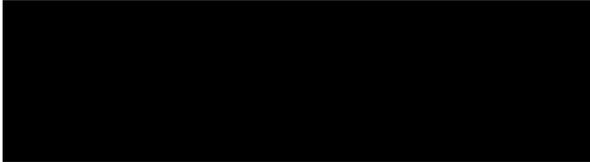


U.S. Citizenship
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FILE: [REDACTED]
[WAC 05 095 70270]

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.

Robert P. Wiemann, Chief
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 August 4, 2004, under CIS receipt number SRC 04 214 53214. The director, Texas Service Center, denied the application, on August 16, 2004, after determining that the applicant had failed to establish eligibility for late initial registration, his continuous residence, and his continuous physical presence in the United States, and his nationality and identity. A subsequent appeal was dismissed, on September 30, 2005, after the Director of the AAO also concluded that the applicant had failed to establish that he was eligible for late initial registration for TPS, and the requisite continuous residence, and his continuous physical presence in the United States. A subsequent motion to reconsider the decision of the AAO Director was dismissed on September 8, 2006, because the motion failed to address the applicant's eligibility for late initial registration.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 3, 2005, under CIS receipt number WAC 05 095 70270, and indicated that he was re-registering for TPS. The director denied the re-registration application on April 25, 2006, 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 living in the United States since 1997, and he would like the opportunity to live and work in this country and help support his family.

With the appeal, in an attempt to establish his continuous residence, and his continuous physical presence in the United States, the applicant submits photocopies of most of the evidence previously provided consisting primarily of generic receipts for merchandise and money order receipts. The applicant does not submit any evidence to establish his eligibility for late initial registration.

However, this evidence does not mitigate the applicant's failure to file his Form I-821, Application for Temporary Protected Status, within the initial registration period.

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.

Beyond the decision of the director, 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.