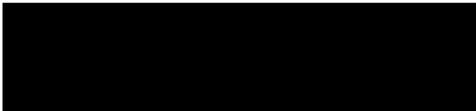




U.S. Citizenship
and Immigration
Services

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invasion of personal privacy



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FILE: [REDACTED]
[SRC 03 155 53684]

Office: Texas 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 office that originally decided your case. 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, Texas Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is stated to be 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 March 3, 2002, under CIS receipt number SRC 02 125 52722. The director, Texas Service Center, denied that application for abandonment, because the applicant failed to respond to a notice of intent to deny to submit evidence to establish her eligibility for TPS, including eligibility for late initial registration. A denial due to abandonment may not be appealed; however, an applicant may file a motion to reopen under 8 C.F.R. § 103.5 within 30 days of the denial decision. The record does not reflect that the applicant filed a motion to reopen the director's decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 23, 2003, under CIS receipt number SRC 03 155 53684, and indicated that she was re-registering for TPS. The director denied the re-registration application on June 3, 2003, 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 she has been living in the United States since 1998; she did not file for TPS during the initial registration period due to lack of money and she was afraid of being deported; and, she would like the opportunity to live and work in this country to support her family.

With the appeal, in an attempt to establish her eligibility for TPS, the applicant submits photocopies of:

1. Two Employment Authorization Cards which expired in July 2002, and in July 2003, respectively;
2. A Social Security card;
3. Four unclear cards for Washington Mutual Visa, American Express, Shell, Western Union, respectively;
4. An ATT calling card;
5. An Costco card, dated March 1999;
6. A Florida Identification card, issued on May 16, 2002;
7. A medical invoice, dated December 16, 2002;
8. 13 money transfer receipts;
9. 5 merchandise receipts, and a lottery receipt;
10. 4 paystubs issued in 2003 and 2004; and,
11. 2 rent receipts, dated in 2002.

However, this evidence does not mitigate the applicant's failure to file her 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, she 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 her nationality and identity. The applicant has furnished a copy of a birth certificate and English translation; however, she has not submitted a national identity document from her country bearing a photograph and or/fingerprint. The birth certificate alone is insufficient to establish the applicant's identity and nationality under the provision of 8 C.F.R. § 244.9(a)(1). Therefore, the application must also be denied for these reasons. In addition, the applicant has not submitted sufficient evidence to establish her continuous residence in the United States from December 28, 1998 and her 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.