



U.S. Citizenship  
and Immigration  
Services

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*ML*

FILE: [REDACTED]  
[WAC 05 088 72079]

Office: California Service Center

Date: JUN 27 2007

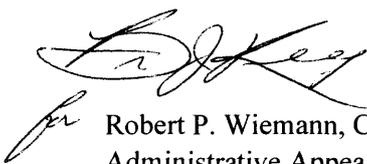
IN RE: Applicant: [REDACTED]

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 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 July 2, 2002, under CIS receipt number SRC 02 225 55110. The director, Texas Service Center, denied the application, on December 10, 2002, after determining that the applicant had failed to establish he was eligible for late initial registration. A subsequent appeal was dismissed, on August 18, 2003, 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. A subsequent motion to reconsider was also dismissed by the AAO in a decision issued simultaneously with this decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 27, 2004, under CIS receipt number WAC 05 088 72079, and indicated that he was re-registering for TPS. The director denied the re-registration application on July 23, 2005, 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 1996,<sup>1</sup> and he would like the opportunity to live and work freely in this country. With his appeal, in an attempt to establish his continuous residence and his continuous physical presence, the applicant submits photocopies of invoices, and various receipts, mostly money transfer receipts.

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.

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.

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<sup>1</sup> It is noted that the applicant stated on his TPS application and on his appeal and on the motion to reconsider the denial of his TPS application filed under receipt # SRC 02 225 55110, that he has been in the United States since 1997.