



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



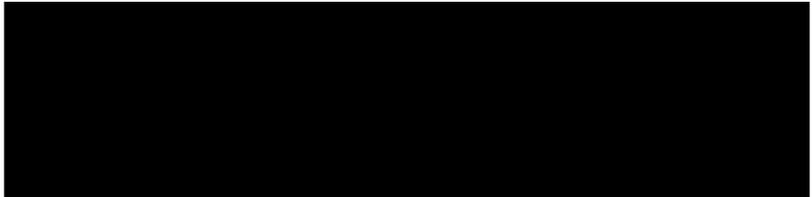
M1

FILE:   
[WAC 05 089 78529]

Office: California Service Center

Date: MAR 05 2007

IN RE: Applicant:



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.

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 Nicaragua 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 12, 2002, under CIS receipt number SRC 02 207 54848. The director, Texas Service Center, denied that application on August 12, 2002, because the applicant failed to establish eligibility for late initial registration. The record reflects that a subsequent appeal to the AAO was dismissed by the AAO Director on January 14, 2003. The AAO director affirmed the decision of the Texas Service director. The applicant filed a motion to reopen/reconsider the AAO's decision on February 11, 2003, under CIS receipt number SRC 03 101 50970. The AAO dismissed the motion, on June 26, 2005, as the motion did not address the applicant's eligibility for late initial registration for TPS.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 28, 2005, and indicated that she 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.

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.

It is noted that the applicant has failed to submit evidence to establish eligibility for late initial registration for TPS.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant who is a national of a foreign state designated by the Attorney General is eligible for TPS only if such alien establishes that he or she:

- (a) Is a national of a state designated under section 244(b) of the Act;
- (b) Has been continuously physically present in the United States since the effective date of the most recent designation of that foreign state;
- (c) Has continuously resided in the United States since such date as the Attorney General may designate;
- (d) Is admissible as an immigrant except as provided under section 244.3;
- (e) Is not ineligible under 8 C.F.R. § 244.4; and

- (f) (1) Registers for Temporary Protected Status during the initial registration period announced by public notice in the FEDERAL REGISTER, or
- (2) During any subsequent extension of such designation if at the time of the initial registration period:
  - (i) The applicant is a nonimmigrant or has been granted voluntary departure status or any relief from removal;
  - (ii) The applicant has an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;
  - (iii) The applicant is a parolee or has a pending request for reparole; or
  - (iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.
- (g) Has filed an application for late registration with the appropriate Service director within a 60-day period immediately following the expiration or termination of conditions described in paragraph (f)(2) of this section.

Persons applying for TPS offered to Nicaraguans must demonstrate continuous residence in the United States since December 30, 1998, and continuous physical presence since January 5, 1999. The initial registration period for Nicaraguans was from January 05, 1999, through August 20, 1999. The record reveals that the applicant filed this application with Citizenship and Immigration Services (CIS) on December 28, 2004.

To qualify for late registration, the applicant must provide evidence that during the initial registration period she fell within at least one of the provisions described in 8 C.F.R. § 244.2(f)(2) above.

The burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by CIS. 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof, the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b).

On appeal, the applicant states that she has been in the United States since 1990, and that she would like the opportunity to live and work freely to support her family. With the appeal, in an attempt to establish eligibility for TPS, the applicant submits copies of:

1. Four rent receipts for 2004, and 2005;
2. Four training certificates from International Training Careers, issued in 2002;
3. A Certified Mail receipt, dated June 10, 2003;

4. A State of Florida Department of Health, Division of Medical Quality Assurance certification, issued October 30, 2003;
5. Three Dade County, Miami, Florida, Bureau of Community Services and Career Preparation course schedules and receipts, issued in 2005;
6. A United States Treasury tax refund check, dated April 30, 2004;
7. A CIS form 797D, dated October 29, 2002;
8. Three Chase Master Card billing statements, dated 2004, and 2005;
9. A Citi Financial credit pre-approval letter, dated May 16, 2005;
10. An unclear U.S. Post Office Express Mail Receipt;
11. A money transfer receipt, dated April 17, 2003;
12. A receipt from Maroone Chevrolet, dated February 7, 2005; and
13. Six pay stubs from Sefardic Associates, LLC, issued in 2004, and 2005.

This evidence, however, does not establish the applicant's eligibility for late registration for TPS.

The applicant has not submitted any evidence to establish that she has met any of the criteria for late registration described in 8 C.F.R. § 244.2(f)(2). Consequently, for this additional reason, the director's decision to deny the application for TPS will be affirmed.

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.