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U.S. Department of Homeland Security
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U.S. Citizenship
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FILE: [REDACTED]
[WAC 05 083 75825]

Office: CALIFORNIA SERVICE CENTER

Date: MAY 08 2007

IN RE: Applicant:

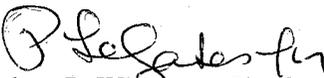


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center (CSC), and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a 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 applicant filed an initial TPS application with the Texas Service Center (TSC) on June 24, 2002, after the initial registration period for Hondurans had ended (SRC 02 208 55771 relates). The application was denied due to abandonment on November 5, 2002, because the applicant failed to respond to a request for evidence, dated August 19, 2002, to establish her eligibility for late registration. The director informed the applicant that there is no appeal from a denial due to abandonment, but that she could file a motion to reopen the case within 33 days of the date of issuance of the denial notice.

The applicant filed a motion to reopen the TSC director's decision on July 21, 2003. The director reopened the matter on November 20, 2003 and again requested the applicant to submit evidence to establish her eligibility for late registration. The record reflects that the applicant failed to respond to the director's request; therefore, on March 6, 2004, the director again denied the application. On April 2, 2004, the applicant filed an appeal from that decision. On September 23, 2004, the AAO remanded the case to the director to be considered as a motion to reopen because the initial denial of the application was due to abandonment and the AAO had no jurisdiction over the matter. On October 21, 2005, the TSC director denied the motion and reaffirmed her decision to deny the application. After a review of the record, the AAO concurs with the director's decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 22, 2004, and indicated that she was re-registering for TPS.

The CSC 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 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.

There is no indication that the applicant was attempting to file a late initial application for TPS instead of an annual re-registration. Moreover, there is no evidence in the file to suggest that the applicant is eligible for late registration for TPS under 8 C.F.R. § 244.2(f)(2).

An alien applying for TPS 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.