



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



ML

FILE:



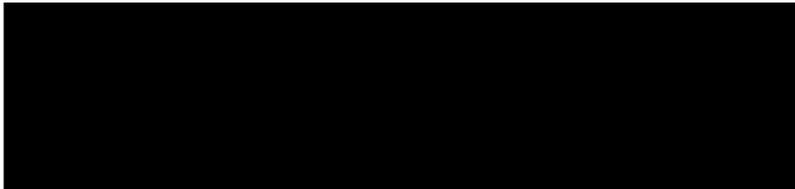
Office: California Service Center

Date: MAR 26 2007

[WAC 05 047 71528]

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 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 December 27, 2002, under CIS receipt number SRC 03 062 54681. The director, Texas Service Center denied the application on March 1, 2004, because the applicant failed to establish that she was eligible for late initial registration for TPS. A subsequent appeal was dismissed by the Director, Administrative Appeals Office (AAO), on May 16, 2005. The AAO affirmed the director's decision to deny the application for late initial registration for TPS. The AAO also noted, beyond the decision of the director, that the applicant failed to provide sufficient evidence to establish her qualifying continuous residence and her physical presence during the requisite time periods, and dismissed the appeal on these additional grounds.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on November 16, 2004, under CIS receipt number WAC 05 047 71528, and indicated that she was filing an initial application for TPS. The director, California Service Center, denied that 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 she has been in the United States since she entered in 1996, and she would like the opportunity to be legal. With the appeal, in an attempt to establish her eligibility for TPS the applicant submits copies of: 3 Washington Mutual bank account statements, issued in 2004, and 2005; 8 BellSouth billing statements, 1 dated August 14, 1999, 4 with service dates in 1998 and 1999, 2 with unclear dates, and 1 dated February 14, 2001; a letter from the State of Florida Department of Highway Safety and Motor vehicles, dated August 12, 2001; a receipt from Micasa Muebleria, dated April 16, 2000; an unclear invoice dated in 1998; an AT&T billing statement, dated May 14, 1998; and a Social Security statement, dated March 7, 2005.

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.

Furthermore, as determined by the director, Texas Service Center, and affirmed by the director, Administrative Appeals Office, the applicant has not submitted evidence to establish eligibility for late initial registration.

It is also noted that the record reveals that the applicant was placed in Removal Proceedings, and ordered removed to Honduras, on February 22, 1996, by the Immigration Judge.

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.