U.S. Department of Homeland Security
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Washington, DC 20529

U.S. Citizenship and Immigration Services

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[redacted]

FILE: [redacted] OFFICE: CALIFORNIA SERVICE CENTER DATE: MAR 2 7 2007
consolidated herein]
[WAC 05 078 81992]

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:

[redacted]

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, 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 TPS application during the initial registration period on July 8, 1999, under Citizenship and Immigration Services (CIS) receipt number SRC 99 219 53161. The Director, Texas Service Center, denied that application based on abandonment on June 29, 2004, because the applicant had failed to respond to a request dated April 1, 2004, to submit: (1) evidence to establish continuous physical presence in the United States from January 5, 1999, to the date of filing the application; and (2) photo identification. The applicant did not file a motion to reopen within 30 days from the date of the denial.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 17, 2004, 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 apply for re-registration for TPS.

On appeal, counsel submits a Driver Record from the State of Florida, Department of Highway Safety and Motor Vehicles, indicating that the applicant was issued a driver's license on October 30, 1998, and a copy of a school record from the Manatee Technical Institute for the school years 1998-1999. Counsel also submits a statement from the applicant indicating that he responded to the director's request for evidence on July 26, 2004, and submitted a printout from the Manatee County School District indicating that he was a student during the 1998-1999 school years. It is noted, however, that the record of proceeding does not contain evidence that the applicant had previously furnished his school record as claimed.

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.

The Driver Record from the State of Florida, furnished by counsel on appeal, reveals the following:

1. Convicted on May 2, 2001, for "driving while license canc/rev/sus/disq."
2. Convicted on July 11, 2001, for "driving while license canc/rev/sus/disq."
3. Convicted on October 11, 2002, for "driving while license canc/rev/sus/disq."

The applicant appears to have been convicted of three misdemeanors that would render him ineligible for TPS pursuant section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a). However, the actual final court dispositions of the above offenses are not included in the record of proceeding. CIS must address these arrests and/or convictions in any future decisions or proceedings.

The record also contains a Warrant of Removal/Deportation, Form I-205, issued on November 12, 1998, in Harlingen, Texas, based on the final order of removal by an Immigration Judge on July 27, 1998.

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.