

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**

M1

[REDACTED]

FILE:

[REDACTED]

OFFICE: California Service Center

DATE:

MAR 29 2007

[WAC 05 116 73119]

IN RE:

Applicant:

[REDACTED]

APPLICATION:

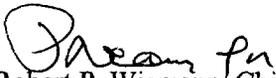
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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.

  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center. It is now on appeal before the Administrative Appeals Office (AAO). 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 record reveals that the applicant filed an initial Form I-821, Application for Temporary Protected Status, at the Vermont Service Center in July 2002 under Citizenship and Immigration Services (CIS) receipt number EAC 02 244 52508. CIS assigned the applicant the alien number [REDACTED] at the time of filing, even though it had assigned him another alien number - [REDACTED] - in connection with a deportation proceeding in March 1999. The director denied the TPS application on March 14, 2003, on the ground of abandonment after the applicant failed to respond to a request for evidence that the applicant, who did not file the application during the initial registration period for TPS applicants from Honduras, qualified for late registration. Following the applicant's motion to reopen and a review of the record, the director affirmed his previous decision on June 17, 2003.

The applicant filed a second TPS application at the Vermont Service Center on June 20, 2003, under CIS receipt number EAC 03 204 52490, which the service center treated as another initial application under the applicant's original A-number [REDACTED]. The director denied the application on January 29, 2004, on the grounds that the applicant failed to establish his eligibility for late registration or that he satisfied the requirements of continuous residence and physical presence in the United States from the dates applicable for TPS applicants from Honduras.

The applicant filed the current TPS application on January 24, 2005, and indicated that he was re-registering for TPS. The director denied the re-registration application on June 6, 2006, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. The applicant filed a timely appeal, but has submitted no further evidence.

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. *See* 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. Nor is there any 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). Accordingly, the director's decision to deny the application will be affirmed.

The AAO notes that the applicant is subject to an outstanding Warrant of Removal/Deportation that was issued on January 30, 2004, by a Field Office Director in Houston, Texas, and that the applicant was previously deported from the United States on August 7, 1998.

An alien applying for Temporary Protected Status, or 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 that burden.

**ORDER:** The appeal is dismissed.