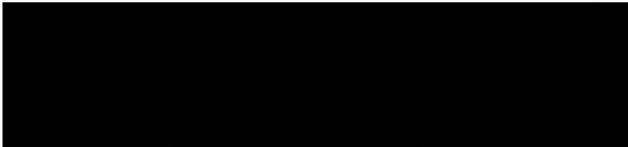




U.S. Citizenship
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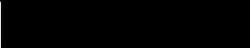
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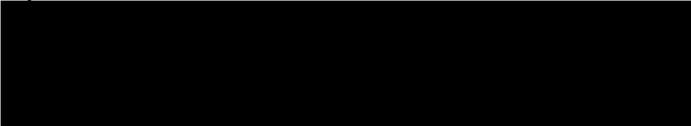
Office: CALIFORNIA SERVICE CENTER

Date: **MAR 29 2007**

[WAC 05 062 70040]

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.

A handwritten signature in cursive script, appearing to read "R. Wiemann".

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 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 an initial TPS application with the Texas Service Center (TSC) on July 2, 2003, after the initial registration period for Nicaraguans had ended, under Citizenship and Immigration Services (CIS) receipt number SRC 03 195 54575. The TSC director denied the initial application on September 30, 2003, because the applicant failed to establish he was eligible for late registration. On October 14, 2003, the applicant filed an appeal from the director's decision. The appeal was dismissed on September 13, 2004, after the AAO also concluded that the applicant failed to establish his eligibility for late registration.

The applicant filed a motion to reopen the AAO's decision on September 27, 2004, and reasserted his claim of eligibility for TPS. He also submitted evidence in an attempt to establish his qualifying continuous residence and continuous physical presence in the United States. The AAO dismissed the motion on October 19, 2005, because it failed to overcome the basis for the previous denial decision. The applicant filed a second motion to reopen on November 14, 2005. A decision on that motion will be provided under separate cover.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 1, 2004, and indicated that he was re-registering for TPS.

The director of the CSC 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. The applicant filed his current appeal from that decision on August 8, 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, he 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).

It is noted that as a result of being fingerprinted in connection with this application, CIS received a report from the Federal Bureau of Investigation (FBI) indicating that the applicant was charged on February 5, 2006, in Miami, Florida, with Driving Under The Influence. In any future proceedings before CIS, the applicant must submit evidence of the final court dispositions of this and any other charges against him.

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.