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**U.S. Citizenship  
and Immigration  
Services**

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[REDACTED]

**MAY 16 2007**

FILE:

[REDACTED]

Office: California Service Center

Date:

[WAC 05 062 705677]

[REDACTED]

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.

Handwritten signature of Robert P. Wiemann in black ink.

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 record reveals that the applicant initially filed a Form I-821, Application for Temporary Protected Status, on August 9, 1999, under Citizenship and Immigration Services (CIS) receipt number SRC 99 240 52911. The application was denied by the Director, Miami District Office, on July 7, 2004, because the applicant failed to appear for an interview scheduled on May 21, 2004, asking her to bring evidence to establish her continuous physical presence in the United States prior to December 30, 1998. She was also asked to furnish a police clearance from the Broward County Sheriff's Office as well as court dispositions for all arrests.

The applicant filed the current Form I-821, on December 1, 2004, and indicated that she was re-registering for TPS.

The director denied the re-registration application on August 24, 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 the current appeal from that decision on September 19, 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.

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 has been charged with the following offenses:

- (1) On June 29, 1998, she was arrested by the Coral Springs Police Department and charged with Grand Larceny, a felony, and Resisting an Officer, a misdemeanor.
- (2) On June 30, 1998, she was arrested by the Broward County Sheriff's Office and charged with Shoplifting, a felony.
- (3) On February 18, 1999, she was arrested by the Plantation Police Department and charged with Larceny, a misdemeanor.
- (4) On January 23, 2002, she was arrested by the Broward County Sheriff's Office and charged with Grand Theft Third Degree.

In any future proceedings before CIS, the applicant must submit evidence of the final court dispositions of these and any other charges against her.

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.