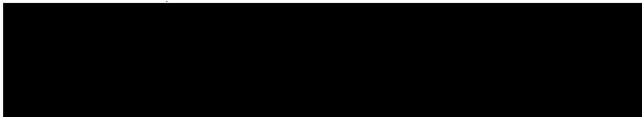




U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: **NOV 13 2007**
[WAC 05 084 77817]

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: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the California Service Center. Any further inquiry must be made to that office.

John H. Vaughan
for

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 native and 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 a first Form I-821, Application for Temporary Protected Status, with the Nebraska Service Center (NSC) on June 7, 2000, after the initial registration period for Nicaraguans had ended (LIN 00 226 50776 relates). On August 15, 2001, that application was denied due to abandonment because the applicant failed to appear for a fingerprinting appointment required in connection with her application. Since the application was denied due to abandonment there was no appeal available; however, the applicant could have filed a request for a motion to reopen within 30 days from the date of the denial. The applicant did not file a motion to reopen during the requisite timeframe.

The applicant filed a second Form I-821 with the NSC on June 4, 2002 (LIN 02 213 50024 relates). That application was denied on March 11, 2003, because the applicant failed to establish her eligibility for late registration as well as her qualifying continuous residence and continuous physical presence in the United States during the requisite time periods. A decision on an appeal from that decision, filed on April 11, 2003, will be provided under separate cover.

The applicant filed this (her third) Form I-821 on December 19, 2004, and indicated that she was re-registering for TPS. The director of the CSC denied the application on July 23, 2005, because the applicant's prior TPS applications had been denied and the applicant was not eligible for re-registration.

If the applicant is filing an application for re-registration, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must re-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 and, therefore, is not eligible to re-register. Consequently, the director's decision to deny the application will be affirmed.

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. Here, the applicant has failed to meet this burden.

ORDER: The appeal is dismissed.