

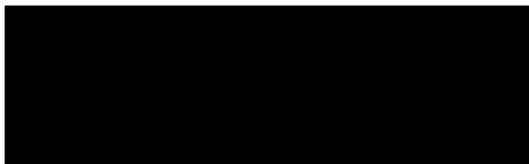
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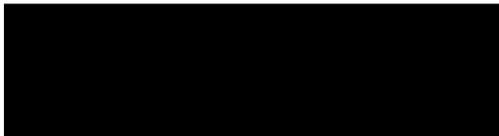
OFFICE: CALIFORNIA SERVICE CENTER

DATE: NOV 19 2007

[WAC 05 092 77084]

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.

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 claims to be 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 13, 1999, under receipt number SRC 99 223 50170. On April 8, 2000, the applicant was requested to submit additional evidence establishing his continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001. The record does not contain a response from the applicant; therefore the Director, Texas Service Center, denied the application on May 20, 2000, after determining that the applicant had abandon his application. There is no appeal from a denial due to abandonment; however, the applicant could have filed a motion to reopen within 30 days of the date of the denial notice. 8 C.F.R. § 103.2(b)(15). The record does not reflect that the applicant filed a motion within the allotted timeframe.

The applicant filed this Form I-821, Application for Temporary Protected Status, on December 31, 2004, and indicated that he was re-registering for TPS.¹

On August 4, 2005, the Director, California Service Center, denied the re-registration application 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, the applicant states he needs a work authorization card to help his family.

The applicant is filing the current TPS application as a re-registration; however, 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 burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by CIS. 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof, the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b).

It is noted that the applicant has not submitted sufficient evidence to establish continuous residence and continuous physical presence in the United States during the requisite period and as described in 8 C.F.R. § 244.2(b) and (c). Additionally, although the record of proceeding contains a Honduran birth certificate and English translation, the certificate was not accompanied by photo identification to establish the applicant's nationality and identity as required by 8 C.F.R. § 244.9(a)(1).

It is also noted that on August 1, 1989, the applicant filed Form I-589, Request for Asylum in the United States, under file number A29 192 709. However, the District Director, Los Angeles, California, denied the asylum

¹ It is noted that the applicant also filed TPS re-registration applications in 2000, 2001, and now, 2006.

application on April 18, 1990. Also on April 18, 1990, the district director issued Form I-221, Order to Show Cause and Notice of Hearing.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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.