



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]

Office: VERMONT SERVICE CENTER

Date: OCT 02 2007

[EAC 06 229 51984]

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center (VSC), 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 filed a first TPS application on August 27, 1999, with the Cleveland District Office, after the initial registration period had expired. The record does not contain any indication that the case was adjudicated.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on August 2, 2006, and indicated that she was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had not been approved and the applicant was not eligible to apply for re-registration for TPS.

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.

On appeal, counsel argues that the applicant's initial TPS application had been granted because she received a work authorization based on section 274a.129(c)(19), employment based on the filing of temporary protective status. However, counsel's argument is without merit because the approval of the applicant's employment authorization application did not signify an approval of her TPS application.

The initial registration period for Honduras was from January 5, 1999 through August 20, 1999. The record reveals that the applicant filed her initial application with Immigration and Naturalization Service (INS) on August 27, 1999. Therefore, the initial application could not be approved.

On November 24, 2006, the applicant was requested to submit evidence that she was eligible for late registration under TPS. The applicant's response received on December 21, 2006, failed to provide evidence that she is eligible for late registration for TPS under 8 C.F.R. § 244.2(f)(2).

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.