



U.S. Citizenship
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FILE:



OFFICE: TEXAS SERVICE CENTER

Date: OCT 04 2007

[WAC 05 090 80320]

[Appeal WAC 05 208 50329]

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 (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 on December 13, 2002, the applicant filed an earlier TPS application under Citizenship and Immigration (CIS) receipt number SRC 03 054 52594. The Texas Service Center (TSC) Director denied that application on April 19, 2003, because the applicant failed to establish her eligibility for late initial registration. On May 21, 2003, the applicant filed an appeal from the denial decision. That appeal was treated by the TSC Director as a motion to reopen. The TSC Director granted the motion and, after review of the record, again denied the TPS application because the applicant failed to establish she was eligible for late initial registration. A subsequent appeal was then dismissed on March 15, 2005, after the Director of the AAO also concluded that the applicant had failed to establish her: eligibility for late registration; continuous residence in the United States since December 30, 1998; and, continuous physical presence in the United States since January 5, 1999. The applicant then filed a motion to reopen the decision of the Director of the AAO. The motion is being dismissed under separate cover.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 29, 2004, and indicated that she was re-registering for TPS. The director 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 that she has been living in the United States since 1997, and would like to continue working here in order to support her family. In support of the appeal, the applicant submits additional evidence relating to her continuous residence and continuous physical presence in the United States consisting of documents in her name dated in 2004 and 2005, and generic receipts dated in 2004.

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.

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.