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U.S. Citizenship
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Services

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FILE:



Office: California Service Center

Date: **SEP 19 2007**

[WAC 05 046 72445]

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.

A handwritten signature in cursive script, appearing to read "R. Wiemann".

for Robert P. Wiemann, Director
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 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 late initial TPS application on June 6, 2003, under CIS receipt number SRC 03 176 55106. The Director, Texas Service Center, denied the application on September 23, 2004, because the applicant failed to establish that she was eligible for late initial registration for TPS. A subsequent appeal was dismissed by the Director, AAO, on February 7, 2005. The AAO affirmed the director's decision to deny the application for late initial registration for TPS. The AAO also noted, beyond the decision of the director, that the applicant failed to provide sufficient evidence to establish her qualifying continuous residence and her physical presence during the requisite time periods, and dismissed the appeal on these additional grounds. A subsequent motion to reopen was dismissed by the Director, AAO, as untimely, in a decision issued concurrently with this decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on November 15, 2004, under CIS receipt number WAC 05 046 72445, and indicated that she was re-registering for TPS. The director, California Service Center, denied that application on August 9, 2006, because the applicant's initial TPS application had been denied and the applicant was not eligible to re-register for TPS.

On appeal, the applicant states that she has been in the United States since she entered in 1997, and she would like the opportunity to be legal. With the appeal, in an attempt to establish eligibility for TPS the applicant submits photocopies of:-

- Four rent receipts, issued in 1999;
- A receipt from 3M Communication, Inc., dated in 2003;
- Five money transfer receipts;
- Three telephone invoices, with payment receipts; and,
- A DTA S.T.A.R.T. Certificate of Completion, dated January 8, 2003.

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.

Furthermore, as determined by the Director, Texas Service Center, and affirmed by the Director, AAO, the applicant has not submitted evidence to establish eligibility for late initial registration.

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.