

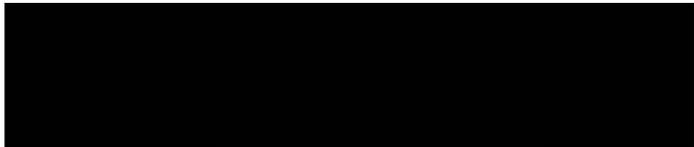


U.S. Citizenship
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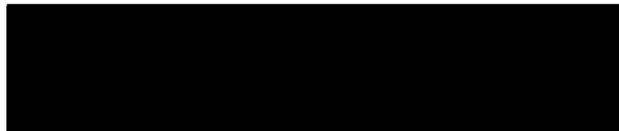
OFFICE: California Service Center

DATE: AUG 01 2008

[WAC 05 103 80594]

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 California Service Center. 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 stated to be 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 TPS application on June 19, 2003 under receipt number SRC 03 184 55519. The Director, Texas Service Center, denied that application on October 2, 2003, because the applicant failed to establish she was eligible for late registration. On November 18, 2003, the applicant submitted an appeal from the director's decision which was dismissed by the AAO on September 27, 2004, after the Director, now Chief, of the AAO also concluded that the applicant had failed to establish her eligibility for TPS. The AAO further noted that the applicant had not submitted sufficient evidence to establish her continuous residence and continuous physical presence in the United States during the qualifying period. On November 27, 2004, the applicant submitted a motion to reopen her case. On November 30, 2005, the AAO dismissed that motion to reopen because it was untimely filed.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 3, 2005, and indicated that she was re-registering for TPS. The Director, California Service Center, denied the re-registration application on July 23, 2005, 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 reasserts her claim of eligibility for TPS and states that she is not submitting any other evidence.

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.

There is no indication that the applicant was attempting to file a late initial application for TPS instead of an annual re-registration. Moreover, there is no evidence in the file to suggest that the applicant is eligible for late registration for TPS under 8 C.F.R. § 244.2(f)(2).

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.