

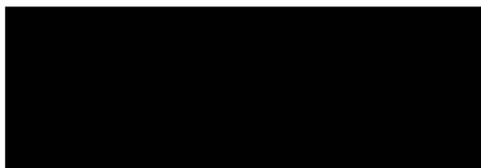
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U.S. Department of Homeland Security
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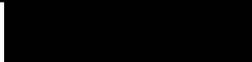
**U.S. Citizenship
and Immigration
Services**

PUBLIC COpy



M1

FILE:



Office: VERMONT SERVICE CENTER

Date:

JAN 222008

[WAC 0504873752]

[EAC 07 244 52760 - Motion]

INRE:

Applicant:



APPLICAnON:

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 Vermont Service Center. Any further inquiry must be made to that office.


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center (CSC). A subsequent appeal was dismissed by the Chief, Administrative Appeals Office (AAO). A motion to reopen was also dismissed by the Chief, AAO. The case is now before the AAO on a second motion to reopen. The motion will be dismissed.

The applicant is a citizen of Nicaragua 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 Form 1-821, Application for Temporary Protected Status, with the Texas Service Center (TSC) on July 3, 2003, after the initial registration period for Nicaraguans had ended (SRC 03 19653816 relates). On November 24, 2003, the application was denied because the applicant failed to establish his eligibility for late registration. An appeal from that decision (SRC 04 060 50035), filed on December 23, 2003, was dismissed by the AAO on October 27, 2004, and a motion to reopen (SRC 05 039 52516) filed on November 26, 2004, was dismissed by the AAO on February 21, 2006. A second motion to reopen (WAC 06 130 51372) filed on March 17, 2006, was rejected on July 18, 2006.

The applicant filed a second Form 1-821 with the CSC on November 17, 2004, and indicated that he was re-registering for TPS. The director of the CSC denied the application on July 23, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to re-register for TPS. The applicant filed an appeal (WAC 05 220 50503) from that decision on August 5, 2005, that was dismissed by the AAO on September 8, 2006. A subsequent motion to reopen (WAC 07 007 50123) filed on October 6, 2006, was dismissed by the AAO on July 23, 2007. The applicant filed the current motion to reopen that decision on August 22, 2007.

If the applicant is filing an application for 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 CF.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.

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 CF.R. § 244.2(f)(2).

The applicant is ineligible for TPS because of his failure to file a Form 1-821 during the initial registration period. He has also failed to provide any evidence that he is eligible for late registration under any of the provisions of 8 C.F.R. § 244.2(f)(2). It is noted that the applicant appears to be attempting to prolong the appeal process indefinitely and outside of any remedies remaining available to him.

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 that burden.

ORDER: The appeal is dismissed.