



U.S. Citizenship
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FILE: [REDACTED]
[WAC0611970071]

Office: Vermont Service Center

Date: MAY 28 2008

INRE: Applicant: [REDACTED]

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, 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 late initial TPS application on July 9, 2003, under Citizenship and Immigration Services receipt number EAC 03 211 54016. The Director, Vermont Service Center, denied that application on December 24, 2003, because the applicant failed to establish his eligibility for late initial registration for TPS.

A subsequent appeal from the director's decision was dismissed by the Director (now Chief) of the AAO, on October 28, 2004. The AAO affirmed the director's denial noting that the applicant had failed to establish eligibility for late initial registration for TPS. The AAO also noted that the applicant did not establish the continuous residence and continuous physical presence requirements described in 8 C.F.R. §§ 244.2(b) and (c).

The applicant filed the current Form 1-821, Application for Temporary Protected Status, on January 26, 2006, under CIS receipt number WAC 06 119 70071. The Director, California Service Center, denied that application, on February 16, 2007, because the applicant's initial TPS application had been denied.

On appeal, the applicant stated that he needs his work authorization so that he can support his family. The applicant does not submit any additional evidence on appeal.

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, he is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

Beyond the decision of the director, the applicant has not submitted sufficient evidence to establish his continuous residence in the United States from December 28, 1998 and his continuous physical presence since January 5, 1999 to the date of filing. Therefore, the application will also be denied for these reasons.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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.