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U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]

Office: VERMONT SERVICE CENTER

Date: OCT 31 2008

[WAC 05 235 50712, *appeal*]
[WAC 05 050 72758]

IN RE:

Applicant:

[REDACTED]

APPLICATION:

Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:

[REDACTED]

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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center (VSC), 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 applicant filed an initial Form I-821, Application for Temporary Protected Status, on May 20, 1999, under receipt number EAC 99 202 51987 during the initial registration period. The VSC Director denied the application on May 17, 2000, after determining that the applicant had abandoned her application by failing to respond to a request for evidence. Since the application was denied due to abandonment, there was no appeal available; however, the applicant could have filed a motion to reopen within 30 days from the date of the denial. The applicant did not file a motion to reopen during the requisite timeframe. After review of the record, the Chief, AAO, affirms the VSC Director's denial decision.

On January 26, 2002, the applicant filed a Form I-821 under receipt number EAC 02 253 52426 and indicated that she wished it to be considered as a first application to register for TPS. That application was denied by the VSC Director on November 18, 2002, after determining that the applicant had failed to establish she was eligible for late initial registration. An appeal was dismissed by the Chief, AAO, on November 7, 2003 who affirmed the VCS Director's decision that the applicant was not eligible for late initial registration.

The applicant filed a subsequent Form I-821 and indicated that she was re-registering for TPS.

The Director, California Service Center (CSC), 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.

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.

The applicant has not previously been granted TPS. Therefore, she is not eligible to re-register for TPS. Consequently, the CSC 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 cited 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.