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

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FILE: [REDACTED] CALIFORNIA SERVICE CENTER  
[WAC 05 047 72959 as it relates to WAC 99 182 50082]

Date: JUN 22 2007

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:



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.

*Cindy M. Gomez for*  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center (CSC), and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant claims to be 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, under receipt number WAC 99 182 50082 during the initial registration period. The District Director, Los Angeles, California, denied that application for lack of prosecution on August 1, 2001, after determining that the applicant had failed to appear for a scheduled interview.

The applicant filed a subsequent Form I-821 on November 16, 2004, and indicated that she was re-registering for TPS.<sup>1</sup>

The director 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 an alien is filing a re-registration application, 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 director's decision to deny the application will be affirmed.

It is also noted that the record contains a Form I-213, Record of Deportable/Inadmissible Alien, dated March 27, 1999, indicating that the United States Border Patrol apprehended the applicant at or near Brownsville, Texas, after she illegally entered the United States on March 26, 1999. Therefore, she cannot satisfy the continuous residence and continuous physical requirements described in 8 C.F.R. §§ 244.2(b) and (c) which require her continuous residence in the United States since December 30, 1998 and her continuous physical presence in this country since January 5, 1999.

Furthermore, the applicant has provided insufficient evidence to establish that she is a national or citizen of Honduras. The record does not contain any photo identification such as a passport or national identity document. 8 C.F.R. § 244.2(a) and § 244.9(a)(1).

In removal proceedings held on September 16, 1999, an Immigration Judge in Los Angeles, California, ordered the applicant deported "in absentia" to Honduras. It is further noted that the record contains an outstanding Form I-205, Warrant of Removal/Deportation, issued by the District Director of the Los Angeles, California, office of Citizenship and Immigration Services, (formerly, the Immigration and Naturalization Service), on October 14, 1999.

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<sup>1</sup> The applicant also filed TPS applications from 2000 through 2003

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 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.