



U.S. Citizenship
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Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **JUL 26 2007**

[WAC 05 104 78686]

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 office that originally decided your case. 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 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 August 20, 1999, under Citizenship and Immigration Service (CIS) receipt number WAC 99 232 50951. The Director of the Los Angeles District Office denied that application on December 5, 2000, because the applicant failed to appear for her scheduled interview.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 12, 2005, and indicated that she was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been terminated 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.

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.

Beyond the decision of the director, it is noted that the applicant has provided insufficient evidence to establish her qualifying continuous physical presence and continuous residence during the requisite time periods. 8 C.F.R. § 244.2(b) and (c). Therefore, the application must also be denied for these reasons.

Although not addressed by the director, the record of proceedings contains a Federal Bureau of Investigation report reflecting the following arrests in California:

- 1) On June 12, 1992, the applicant was arrested by the Los Angeles Police Department and charged with "Poss Etc Base Rock Coke F S;"
- 2) On April 27, 1993, the applicant was arrested by the Los Angeles Police Department and charged with "F Wrt Poss/Etc Base/Rock Cocaine For Sale;"
- 3) On February 6, 1994, the applicant was arrested by the Glendale Police Department and charged with "Possess Narcotic Controlled Substance;"
- 4) On February 8, 1994, the applicant was arrested by the Norwalk Sheriff's Office and charged with "Unlawful Poss Controlled Substance;" and,
- 5) On December 27, 1994, the applicant was arrested by the Norwalk Sheriff's Office and charged with "Poss/Purchase Cocaine Base For Sale."

In any future proceedings before the CIS, the applicant must submit the final court dispositions of these arrests and any other charges(s) against her.

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 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.