

U.S. Department of Homeland Security
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Washington, DC 20529



**U.S. Citizenship
and Immigration
Services**

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[REDACTED]

FILE:

[REDACTED]
[WAC 05 055 74687]

Office: California Service Center

Date: **JUN 27 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:
[REDACTED]

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".
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 on appeal. The appeal will be dismissed.

The applicant is stated to be 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 an initial TPS application on February 12, 1999, under CIS receipt number WAC 99 119 52471. The director denied the application on March 14, 2001, because the applicant failed to establish eligibility his continuous physical presence from January 5, 1999, in the United States to the date of filing. A subsequent appeal was dismissed by the Director, Administrative Appeals Office (AAO), in a decision issued concurrently with this decision. The AAO affirmed the director's decision to deny the application for the applicant failure to establish the requisite continuous physical presence. The AAO also noted, beyond the decision of the director, that the applicant failed to establish his nationality and identity, and dismissed the appeal on these additional grounds.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on November 24, 2004, under CIS receipt number WAC 05 055 74687, and indicated that he was re-registering for TPS. The director denied that application on July 23, 2005, because the applicant's prior TPS application had been denied and the applicant was ineligible for re-registration for TPS.

On appeal, the applicant does not state a basis for the appeal, and he does not submit 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 identity. The applicant has furnished a copy of a birth certificate and English translation; however, he has not submitted a national identity document from his country bearing a photograph and or/fingerprint. The birth certificate alone is insufficient to establish the applicant's identity and nationality under the provision of 8 C.F.R. § 244.9(a)(1). Therefore, the director's decision to deny the application for temporary protected status, for this reason, must be affirmed.

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.