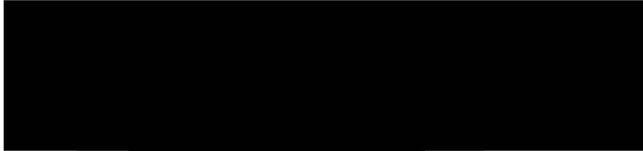




**U.S. Citizenship
and Immigration
Services**

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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FILE:



Office: VERMONT SERVICE CENTER

Date:

JAN 22 2008

[WAC 05 084 75593]

[EAC 07 12850637 ~ Motion]

INRE:

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 Vermont Service Center. Any further inquiry must be made to that office.

for Robert P. Wiemann, Chief
1) Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center (CSC). An appeal from that decision was dismissed by the Chief, Administrative Appeals Office (AAO). A subsequent motion to reopen was also dismissed by the Chief, AAO. The case is now before the AAO on a second motion to reopen. The motion will be granted and the appeal will be dismissed.

The applicant is a citizen of Honduras who is seeking Temporary Protected Status (IPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.c. § 1254.

The record reveals that the applicant filed a first Form I-821, Application for Temporary Protected Status, with the Texas Service Center (TSC) on June 24, 2002, after the initial registration period had ended (SRC 02 209 54200 relates). On November 5, 2002, that application was denied due to abandonment because the applicant failed to respond to a request for evidence, dated August 19, 2002, to establish his eligibility for late registration, and his qualifying continuous residence and continuous physical presence in the United States during the requisite time periods. Since the application was denied due to abandonment there was no appeal available; however, the applicant could have filed a request for 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.

The applicant filed this Form I-821 on December 19, 2004, and indicated that he was re-registering for TPS. The Director of the CSC denied the application on July 23, 2005, because the applicant's initial IPS application had been denied and the applicant was not eligible to re-register for TPS. The applicant filed an appeal from that decision on August 6, 2005. The appeal was dismissed by the AAO on April 6, 2006. The applicant filed a motion to reopen on April 27, 2006, which was dismissed by the AAO on March 9, 2007. The applicant filed the current motion to reopen on April 4, 2007.

If the applicant is filing an application for 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.

There is no indication that the applicant was attempting to file a late initial application for TPS instead of an annual re-registration. Moreover, there is no evidence in the file to suggest that the applicant is eligible for late registration for TPS under 8 C.F.R. § 244.2(e)(2).

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 motion to reopen is dismissed. The decisions of the CSC Director, dated July 23, 2005, and the AAO Chief, dated April 6, 2006 and March 9, 2007, are affirmed.