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**U.S. Citizenship
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FILE: [REDACTED] OFFICE: California Service Center DATE: SEP 16 2008
[WAC 05 048 73802]

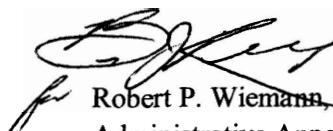
IN RE: Applicant: [REDACTED]

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

ON BEHALF OF APPLICANT: 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 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 record reveals that the applicant filed a TPS application on August 11, 2000, under receipt number LIN 00 232 50585. The Director, Nebraska Service Center (NSC), denied that application on December 14, 2000, after he determined that the applicant had failed to establish her eligibility for late registration. The director also found that the applicant had failed to establish her continuous residence and continuous physical presence in the United States during the requisite periods. On April 5, 2001, the applicant filed an appeal from the director's decision which was dismissed by the AAO on August 31, 2001, after it was determined that the applicant had failed to establish her eligibility for TPS. The record does not reflect that the applicant filed a motion to reopen.

The applicant filed a second TPS application on July 31, 2002, under receipt number LIN 02 249 50181, and indicated it was her first application to register for TPS. The NSC director denied the application on March 13, 2003, due to abandonment because the applicant failed to timely respond to a request for additional information in support of her TPS application. The director advised the applicant that a denial due to abandonment may not be appealed; however, the applicant could file a motion to reopen within 30 days of the denial decision. The record does not reflect that the applicant filed a motion to reopen.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on November 14, 2004, and indicated that she was re-registering for TPS. The Director, California Service Center, denied the re-registration application on July 23, 2005, 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.

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(f)(2).

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.

It is also noted that on February 7, 2003, the applicant was arrested by the Police Department Gurnee, Agency Case No. [REDACTED] and charged with (1) RETAIL THEFT. The final court disposition, however, is not contained in the record. CIS must address this arrest and any conviction in any future proceedings.

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.