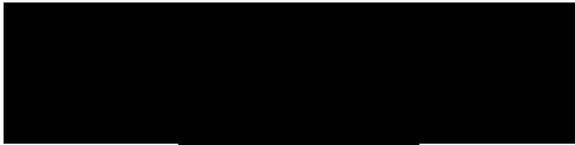




U.S. Citizenship
and Immigration
Services

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prevent clearly unwarranted
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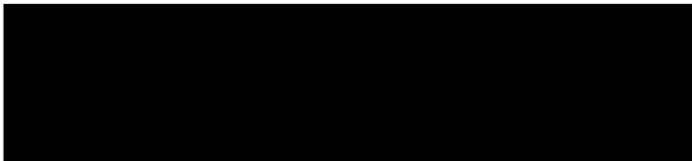
Office: CALIFORNIA SERVICE CENTER

Date: APR 10 2006

[WAC 05 068 76331]

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.

for Robert P. Wiemann, Director
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 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 Form I-821, Application for Temporary Protected Status, after the initial registration period under Citizenship and Immigration Services (CIS) [receipt number SRC 03 198 54184.] The director denied that application on September 20, 2003, after determining the applicant had failed to establish he was eligible for late initial registration.

The applicant filed the current Form I-821, on December 7, 2004, and indicated that he was re-registering for TPS.

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.

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.

The Federal Bureau of Investigation fingerprint results report shows the applicant was arrested under the name William Javier Castro on May 29, 2004, by the Metro Police Department in Florida, for the following offenses:

- Charge 1 - "Nonmoving Traffic Viol-No Valid Drivers License"
- Charge 2 - "Nonmoving Traffic Viol-Vehicle Registration Failure to have"
- Charge 3 - "Forgery Of-License Unlawfully Alter"
- Charge 4 - "Traffic Offence-DUI W Damage to Property of Person"
- Charge 5 - "Traffic Offense-DUI W Damage to Property of Person"
- Charge 6 - "Traffic Offense-Driving Under the Influence Statute/Ordinance - FL316.061"
- Charge 7 - "Hit and Run"
- Charge 8 - "Nonmoving Traffic Viol-No Valid Drivers License"
- Charge 9 - "Hit and Run-Leaving Scene of Crash Injury Statute/Ordinance-FL316.027(1A)," a felony
- Charge 10- "Driving Under the Influence Serious Bodily Inj Statute/Ordinance-FL316.193(3C2)," a felony

However, the final court disposition(s) of the charges resulting from this arrest are not included in the record of proceeding. CIS must address this arrest and or conviction(s) in any future decisions or 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.