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**U.S. Citizenship
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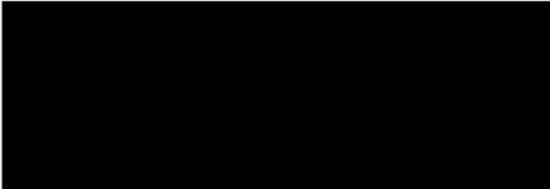
FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER
[WAC 05 075 77734]

Date:

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:



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 on appeal. The appeal will be dismissed.

The applicant claims 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 a TPS application subsequent to the initial registration period under CIS receipt number SRC 03 126 54457. The director denied that application on January 20, 2004, due to abandonment, because the applicant failed to respond to the director's request for evidence within the 30 day period.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 14, 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.

On appeal, counsel states that the applicant is eligible for TPS because he is the child of a TPS registrant and that the applicant has been a resident of the United States since November of 1998. The applicant submits copies of his school records and copies of his mother's Immigration records.

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, it appears from the evidence that the applicant may be eligible for late registration due to his mother's TPS status. However, eligibility for late registration does not relax the other qualifications for TPS. There appears to be insufficient evidence to demonstrate the applicant's continuous residence and continuous physical presence in the United States since December of 1998. In addition, the information contained in the applicant's mother's file blatantly contradicts the documentation contained in the applicant's file with respect to his continuous presence in the United States. Doubt cast on any aspect of the applicant's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the application. It is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth lies, will not suffice. *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988). It appears that either the applicant's mother and/or the applicant supplied CIS with false information in their TPS applications with respect to the applicant's physical whereabouts in 1998 and 1999. This contradiction will be further investigated with respect to the mother's TPS approval as well as with any future immigration applications submitted by either party. For these additional reasons, the TPS application will be denied.

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.