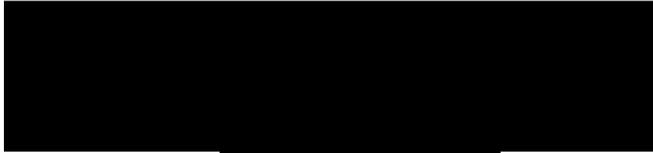


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U.S. Citizenship
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MAY 03 2006

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date:
[WAC 05 105 82321]

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, 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 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 under CIS receipt number [SRC 99 210 51482]. The director denied that application on July 14, 2003 due to abandonment because the applicant failed to respond to a request for additional evidence.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 13, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application on July 28, 2005, 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, the applicant contends that when he initially applied for TPS status in 1999 he resided at [REDACTED] Norcross, Georgia, and that he later moved to his current address at [REDACTED] Georgia. The applicant also contends that he wrongfully assumed that when he applied for his work-permit renewal, CIS would have his new address.

Contrary to the applicant's contentions, the record of proceeding contains a change of address form filled out by the applicant and dated January 25, 2000, in which he stated that he had moved to [REDACTED] Georgia. It is noted that the applicant submitted Forms I-765, Application for Employment Authorization for the years 2000 and 2002 in which he indicated that his address of record was [REDACTED]. The service center sent the Notice of Intent to Deny and the Denial Notice to the applicant at his last known address of [REDACTED]. There is nothing in the record to indicate that the applicant informed the service center of any other change of address during the period in question. Therefore, the director's decisions with regard to this issue will be affirmed.

The applicant has failed to submit sufficient evidence to establish his eligibility for re-registration. 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. Approval for Temporary Treatment Benefits (i.e. Employment Authorization) does not mean that the applicant has also been approved for Temporary Protective Status. 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 current application will be affirmed.

It is noted that the director's decision does not explore the possibility that the applicant was attempting to file a late initial application for TPS instead of an annual re-registration.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant may apply for TPS during the initial registration period, or:

- (f) (2) During any subsequent extension of such designation if at the time of the initial registration period:
 - (i) The applicant is a nonimmigrant or has been granted voluntary departure status or any relief from removal;
 - (ii) The applicant has an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;
 - (iii) The applicant is a parolee or has a pending request for reparole; or
 - (iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.
- (g) Has filed an application for late registration with the appropriate Service director within a 60-day period immediately following the expiration or termination of conditions described in paragraph (f)(2) of this section.

The initial registration period for Honduras was from January 5, 1999 to August 20, 1999. The record reveals that the applicant filed the current application with Citizenship and Immigration Services (CIS) on January 13, 2005.

To qualify for late registration, the applicant must provide evidence that during the initial registration period he fell within at least one of the provisions described in 8 C.F.R. § 244.2(f)(2) above.

The burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by CIS. 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof, the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b).

The applicant has failed to provide any evidence to establish that this application should be accepted as a late initial registration under 8 C.F.R. § 244.2(f)(2). Therefore, the application also must be denied for this reason.

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.