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U.S. Citizenship  
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FILE:

[REDACTED]  
[WAC 05 139 76000]

Office: CALIFORNIA SERVICE CENTER

Date: NOV 17 2006

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:  
[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the California Service Center. Any further inquiry must be made to that office.

  
for 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 is stated to be 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 applicant filed an initial application for TPS after the initial period under receipt number 02 184 53301. The director denied that application on May 12, 2004, after determining that the applicant had failed to establish she was eligible for late initial registration.

The applicant did not appeal the director's decision.

The applicant filed the current Form I-821, on February 16, 2005, and indicated that she 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.

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.

Beyond the decision of the director, the applicant has provided insufficient evidence to establish that she is a national or citizen of Honduras. She has provided a copy of her birth certificate along with an English translation. However, a birth certificate alone does not establish nationality. The record does not contain any photo identification such as a passport or national identity document. 8 C.F.R. § 244.2(a) and § 244.9(a)(1). Therefore the application shall be denied for this additional reason.

It is noted that, in removal proceedings held on February 1, 1994, an Immigration Judge in Houston, Texas, granted the applicant voluntary departure from the United States on or before August 1, 1994, with an alternate order of deportation if the applicant should fail to depart the United States. There is no evidence in the record that the applicant departed from the country as required. It is further noted that the record contains an outstanding Form-205, Warrant of Removal/Deportation, naming the applicant issued by the District Director of the Houston, Texas, office of Citizenship and Immigration Services, on February 13, 1995.

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 cited 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.