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U.S. Citizenship
and Immigration
Services

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NOV 20 2006

FILE:

Office: CALIFORNIA SERVICE CENTER

Date:

[WAC 05 104 80502]

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 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 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 during the initial period under receipt number SRC 99 182 53006. The director denied that application on July 25, 2005, after determining the applicant had not provided case dispositions for his arrests.

The applicant did not appeal the director's decision.

The applicant filed the current Form I-821, on January 12, 2005, 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.

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 applicant's Federal Bureau of Investigation fingerprint results report shows that on August 15, 1992, in Lyons, Texas, he was arrested for: (1) driving under the influence, a misdemeanor, and; (2) "NO INSURANCE."

On March 28, 1993, he was arrested by the Miami, Florida, Police Department for: (1) "AGGRAV ASSLT-WEAPON," a felony, (2) "AGGRAV BATTERY- 002 CNTS," felonies, (3) "RESISTING OFFICER-ARR WO VIOL," a misdemeanor.

On October 4, 1995, he was arrested by the Miami, Florida, Police Department for "AGGRAV BATTERY-KNIVE," a felony.

On May 20, 1996, he was arrested by the Metro-Dade Police Department in Florida for: (1) "AGGRAV ASSLT-WEAPON," a felony, (2) battery, a misdemeanor, and (3) "RESISTING OFFICER-ARR WO VIOL," a misdemeanor.

On July 11, 1998, he was arrested by the Miami, Florida, Police Department for: (1) "HIT AND RUN-W INJ, a felony, and (2) "DUI W SER BOD INJ."

It is noted that on appeal, the applicant has submitted a report from the Miami-Dade Police Department; however, he still has not provided final court dispositions of the above arrests for the record. The application is denied for this additional 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 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.