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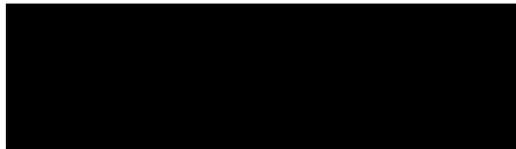
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FILE: [REDACTED]
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Office: CALIFORNIA SERVICE CENTER

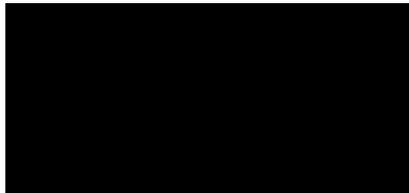
Date: **OCT 27 2006**

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:



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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The re-registration application was denied and the TPS status of the applicant was withdrawn by the Director, California Service Center. The application 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 his initial TPS application on May 18, 1999, under CIS receipt number SRC 99 172 54410. The Director, Texas Service Center (TSC) approved that application on April 1, 2000.

The applicant filed the instant Form I-821, Application for Temporary Protected Status, on December 28, 2004, and indicated that he was re-registering for TPS.

The director denied the instant re-registration application and withdrew the applicant's TPS status because the record revealed that the applicant failed to submit the requested documentation regarding his past arrests.

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.

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 Hondurans was from January 5, 1999, through August 20, 1999. The record reveals that the applicant filed the instant application with Citizenship and Immigration Services (CIS) on December 28, 2004.

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 record of proceedings contains the Federal Bureau of Investigation report reflecting that the applicant was arrested in Florida under the name of Luis Antonio Lopez for the following:

- 1) On December 23, 1995, the applicant was arrested by the Metro-Dade Police Department and charged with "Shoplifting" and "Obstructing Justice"; and,
- 2) On April 13, 2000, the applicant was arrested by the Miami Police Department and charged with "Pass Forged".

On August 24, 2005, the director sent a notice of intent to withdraw the applicant's TPS status based on the applicant's past arrests as detailed in Nos. 1 and 2 above. The applicant responded to the notice and submitted additional evidence regarding his past arrests; however, the applicant failed to provide the final court dispositions. Therefore, the director denied the application and withdrew the applicant's TPS status on February 23, 2006.

On appeal, counsel, on behalf of the applicant, states that he is submitting the final court dispositions; however, a review of the record reflects that no new evidence was submitted on appeal.

Therefore, the director's decision to deny the application for TPS and to withdraw the applicant's TPS status will be sustained, and the applicant remains ineligible for TPS.

It is also noted that the applicant was granted voluntary departure from the United States by an Immigration Judge at Miami, Florida on October 1, 1996.

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.