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U.S. Citizenship  
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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: SEP 06 2006

[WAC 05 106 71134]

IN RE:

Applicant:

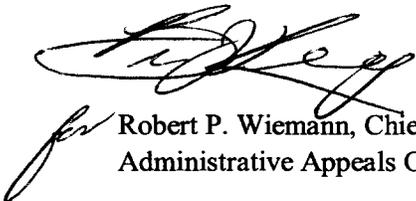


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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 record reveals that the applicant filed a Form I-821, Application for Temporary Protected Status, during the initial registration period under Citizenship and Immigration Services (CIS) receipt number SRC 99 257 51089. The director denied that application on March 28, 2003, after determining that the applicant had abandoned her application by failing to respond to a Notice of Intent to Deny dated February 28, 2002.

Since the application was denied due to abandonment, there was no appeal available; however, the applicant could have filed a request for a motion to reopen within 30 days from the date of the denial. The applicant did not file a motion to reopen during the requisite timeframe.

The applicant filed the current Form I-821, on July 28, 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.

In this case, 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.

In her Notice of Intent to Deny dated February 28, 2002, the Director, Texas Service Center requested that the applicant submit the final court dispositions for her arrests. As noted above, the applicant did not respond to that request. The following arrests that are listed on her Federal Bureau of Investigation fingerprint results report:

1. On August 19, 1999, the applicant was arrested under the [REDACTED] by the Douglas County Sherriff's Department in Castle Rock, Colorado and charged with "MISD THEFT SHOPLIFT."
2. On November 24, 1999, the applicant was arrested under the name [REDACTED] by the Colorado Springs Police Department and charged for failing to appear in court to face a shoplifting charge, a misdemeanor.
3. On December 17, 1999, the applicant was arrested by the Osceola County Sherriff's Office in Florida and charged with "RESIST PROP RECOVERY RETAIL MERCHANT OR FARMER," a misdemeanor.

4. On February 7, 2005, the applicant was arrested by the Lee County Sheriff's Office in Florida and charged with "NONMOVING TRAFFIC VIOL-," a misdemeanor.

To date, the final court dispositions of her arrests are not included in the record of proceeding. CIS must address these arrests and/or convictions in any future decisions or proceedings.

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.