



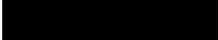
U.S. Citizenship  
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FILE:   
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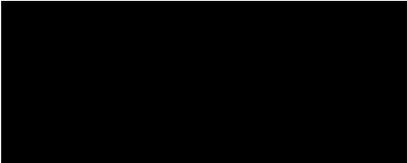
Office: CALIFORNIA SERVICE CENTER

Date: SEP 26 2006

IN RE: Applicant: 

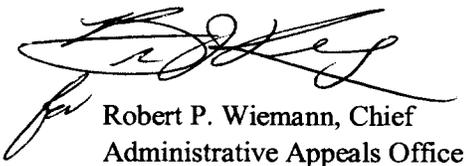
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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.

  
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 applying for 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, after the initial registration period under Citizenship and Immigration Services (CIS) receipt number SRC 02 227 53445. The director denied that application on February 18, 2003, because the applicant had abandoned her application by failing to respond to a request for evidence.

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 November 30, 2004 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.

It is noted that on appeal, counsel states the applicant is eligible for TPS status as the spouse of a Honduran national with TPS status. Counsel submits a copy of the applicant's marriage certificate to [REDACTED] indicating a date of marriage of December 2, 1997 in Honduras. However, review of Mr. Euceda's file indicates that on June 3, 1999, when he filed his first application to register for TPS, he stated that he was single and indicated that any information concerning any spouse or children was inapplicable to him at that time. On his subsequent Form I-821 for re-registration, he stated that he had married [REDACTED] on August 18, 2000 in Wake County, North Carolina. The applicant's record contains a copy of a marriage certificate showing that she married [REDACTED] on August 18, 2000, in Wake County, North Carolina, under the [REDACTED]

[REDACTED] It is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth lies, will not suffice. *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988).

The Federal Bureau of Investigation fingerprint results report shows that on June 5, 2005, in Raleigh, North Carolina, the applicant, under the name [REDACTED] was arrested for larceny, a misdemeanor. However, the final court disposition of this arrest is not included in the record of proceeding. CIS must address this arrest and any conviction in any future 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 TPS 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.