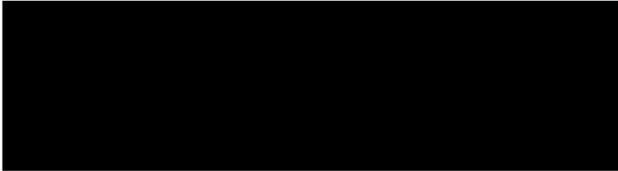




U.S. Citizenship
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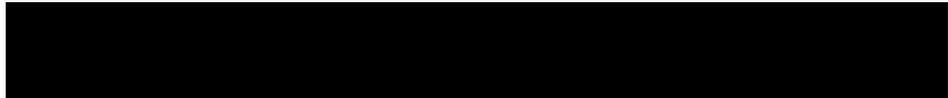
Office: CALIFORNIA SERVICE CENTER

Date: APR 04 2007

[WAC 05 104 82720]

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 office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director
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 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 an initial TPS application on August 9, 1999, under CIS receipt number SRC 99 243 52542. The Texas Service Center director denied that application on January 14, 2005, because the applicant failed to submit requested court disposition for an arrest, on January 2, 1996, by the Police Department New York, and charged, under Agency Case: [REDACTED] with INTENT/FRAUD OBT TRANS W/OP. The director determined that the applicant was, therefore, ineligible for TPS. The record does not reflect that the applicant filed an appeal or a motion to reopen the decision to deny the application.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 12, 2005, under CIS receipt number WAC 05 104 82720, and indicated that he was re-registering for TPS.

The director denied that application on July 1, 2005, because the applicant's prior TPS application had been denied and the applicant was ineligible for re-registration.

On appeal, the applicant reasserts eligibility for TPS. With the appeal, in an attempt to establish eligibility for TPS, the applicant submits:-

- A photocopy of a criminal history search from the City of New York police department, with a processed date of December 18, 2003, which specifies that the "CRIMINAL HISTORY SEARCH IS BASED SOLELY ON NYPD RECORD – WITHIN THE ENVIRONS OF NEW YORK CITY ONLY";
- An English translation of his Honduras birth certificate;
- His Social Security Card;
- A Texas Department of Public Safety Driver License;
- Four Employment Authorization Cards;
- A Honduras national identification card;
- A 1996 Individual Income tax return, Form 1040;
- A Form I-797F mailer, dated September 10, 1999; and
- Five CIS application receipt notices.

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.

As noted by the Texas Service Center director, an FBI fingerprint check conducted in connection with the TPS application shows "ident". As indicated by the New York City police department criminal history search, that search relates only to the NYPD records within New York City and environs only, and as such, does not establish a lack of a criminal history for the applicant in the State of New York. It is noted that the final court disposition is not in the record of proceeding, and therefore, the applicant failed to submit sufficient evidence to establish eligibility for TPS. For this additional reason, the applicant is not eligible for TPS.

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.