

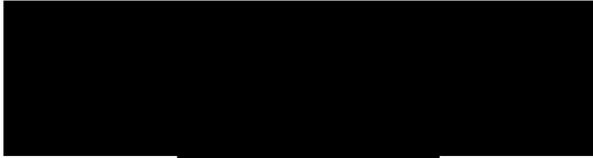


U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

*ML*



FILE:



Office: California Service Center

Date: JUN 27 2007

[WAC 05 082 80164]

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.

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

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 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 late initial TPS application on June 11, 2003, under CIS receipt number SRC 03 178 55168. The director, Texas Service Center, denied the application on September 5, 2003, because the applicant failed to establish that he was eligible for late initial registration for TPS. A subsequent appeal was dismissed by the Director, Administrative Appeals Office (AAO), in a decision issued simultaneously with this decision. The AAO affirmed the director's decision to deny the application for late initial registration for TPS.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 21, 2004, under CIS receipt number WAC 05 082 80164, and indicated that he was re-registering for TPS. The Director, California Service Center, denied that application on July 23, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to re-register for TPS.

On appeal, the applicant states that he applied late as a former asylum applicant, and he has been in the United States since July 30, 1993. With the appeal, in an attempt to establish his eligibility for TPS the applicant submits copies of:

1. An asylum referral letter, dated March 18, 1998;
2. A Notice to Appear, Form I-862, dated March 19, 1998;
3. An INS receipt notice, dated February 20, 1996, pertaining to the applicant's employment authorization application;
4. An INS Employment Authorization approval notice, dated April 10, 1995;
5. An INS Status Request Form, dated January 21, 1998, pertaining to the applicant's asylum application;
6. 2 CIS notices, dated September 24, 2003, and January 23, 2004, respectively, pertaining to the appeal of the denial of the applicant's initial TPS application;
7. A CIS denial notice of his TPS application, dated September 5, 2003;
8. A CIS notice of intent to deny his TPS application, dated July 21, 2003;
9. An INS Notice in Removal Proceedings, dated September 29, 1998;
10. Federal income tax returns, with supporting W-2, Wage and Tax Statements for 1994 through 2002, and for 2004;

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.

On appeal the applicant asserts eligibility for late initial TPS registration as a former asylum applicant. In order for the applicant to be eligible for late TPS registration, as a former asylum applicant, he should have submitted his TPS application, no later than 60 days immediately following termination of his asylum application pursuant to the regulations 8 C.F.R. § 244.2(f)(2) and 8 C.F.R. § 244.2(g). The record reflects that on March 18, 1998, the applicant was deemed ineligible for asylum and his asylum application was referred, and he was placed in removal proceedings. The applicant was ordered removed, *in absentia*, to Honduras, on June 22, 1999, by the Immigration Judge. The applicant filed his initial TPS application on June 11, 2003, almost four years after the removal order was issued.

The evidence submitted does not mitigate the applicant's failure to file his Form I-821, Application for Temporary Protected Status, within the initial registration period. Therefore, the applicant does not meet the regulatory requirements for late initial registration.

As determined by the director, Texas Service Center, and affirmed by the director, Administrative Appeals Office, the applicant has not submitted evidence to establish eligibility for late initial registration.

As noted above, the record reveals that the applicant was placed in Removal Proceedings, and ordered removed to Honduras, on June 22, 1999, by the Immigration Judge.

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.