



U.S. Citizenship  
and Immigration  
Services

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FILE:

OFFICE: CALIFORNIA SERVICE CENTER

DATE: MAR 26 2007

[WAC 05 104 75334]

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, 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.

Although a Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted, neither the organization nor the individual named is authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

The record reveals that the applicant filed a TPS application during the initial registration period on January 26, 1999, under Citizenship and Immigration Services (CIS) receipt number EAC 99 189 50267. The Director, Vermont Service Center (VSC), denied that application on June 29, 2000, because the applicant had failed to establish that he had continuously resided in the United States since December 30, 1998. Although the applicant was advised that he could appeal the director's decision by filing a completed Form I-290B, Notice of Appeal to the Administrative Appeals Office, within 30 days of the director's decision, the record does not contain evidence that the applicant filed a Form I-290B. The applicant filed a second TPS application on July 7, 2003, under CIS receipt number SRC 03 198 54741. The Director, Texas Service Center (TSC), denied that application on February 12, 2004, because the applicant had failed to establish that he was eligible for filing after the initial registration period from January 5, 1999 to August 20, 1999. Although the applicant was advised that he could appeal the director's decision by filing a completed Form I-290B within 30 days of the director's decision, the record does not contain evidence that the applicant filed a Form I-290B.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 12, 2005, and indicated that he was re-registering for TPS. The director denied the re-registration application on July 23, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

On appeal, the applicant asserts that USCIS had erred in denying his TPS application because he never received a letter denying his case. A review of the record indicates that the VSC director's notice of decision dated June 29, 2000, denying the initial TPS application [EAC 99 189 50267] was mailed to the address provided by the applicant at that time [REDACTED]. Additionally, the TSC director's notice of decision dated February 12, 2004, denying the second TPS application [SRC 03 198 54741] was mailed to the address provided by the applicant at that time ([REDACTED]). There is no evidence that the notices were returned to CIS as undeliverable.

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.

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.