

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

na

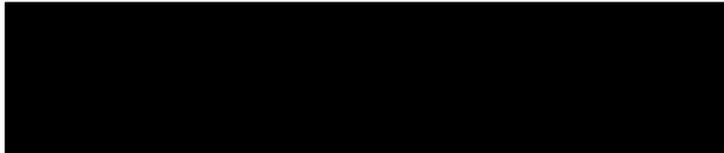


FILE: [REDACTED]
[WAC 06 110 53621]

Office: CALIFORNIA SERVICE CENTER

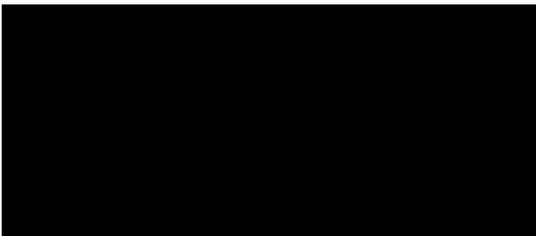
Date: MAY 29 2007

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 (CSC), and is now before the Administrative Appeals Office (AAO) 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 a first TPS application on September 4, 2001, after the initial registration period had ended, under Citizenship and Immigration Services (CIS) receipt number LIN 01 273 51986. He also filed a TPS application on August 2, 2002, under receipt number LIN 02 256 50954. The director Nebraska Service Center (NSC) denied both applications on November 4, 2003, because the applicant failed to establish he was eligible for late registration. The NSC director also found that the applicant failed to establish his nationality, date of entry, and qualifying continuous physical presence and continuous residence in the United States during the requisite time periods. After a review of the record, the Chief, AAO, concurs with the director's denial decision. On December 22, 2003, the applicant filed an appeal from the denial decision. That appeal was rejected by the NSC director on March 2, 2005, as untimely filed.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 6, 2006, and indicated that he was re-registering for TPS. The director denied the re-registration application on July 31, 2006, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. The applicant, through counsel, filed his current appeal from that decision on August 30, 2006.

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.

There is no indication that the applicant was attempting to file a late initial application for TPS instead of an annual re-registration. Moreover, there is no evidence in the file to suggest that the applicant is eligible for late registration for TPS under 8 C.F.R. § 244.2(f)(2).

It is noted that the applicant was previously removed from the United States on July 25, 1996, under an order of deportation issued by an Immigration Judge in Imperial, California, on July 15, 1996.

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.