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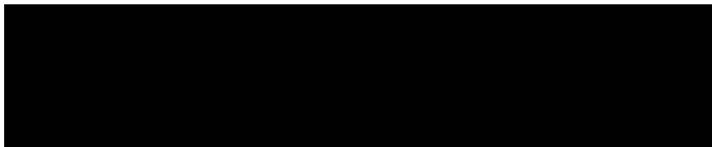
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
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Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: JUN 06 2008

[WAC 05 049 74767J]

INRE:

Applicant:



APPLICAnON: 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

INSIRUCnONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the California Service Center. 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 a subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The case will be *sua sponte* reopened, and 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 V.S.C. § 1254.

The applicant filed an **initial** Form 1-821, Application for Temporary Protected Status, under receipt number SRC 00 236 54699 after the initial registration period had closed. The Director, Texas Service Center, denied that application on November 8, 2003, after determining that the applicant had abandoned her application by failing to respond to a Notice of Intent to Deny.

Since the applicant's initial application was denied due to abandonment, there was no appeal available; however, the applicant could have filed 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 1-821 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.

A subsequent appeal was dismissed by the Chief, AAO, on June 6, 2006. A letter was sent by the applicant to the AAO indicating that she does not wish to be represented by prior counsel and that the AAO order mischaracterized her as being a native and citizen of El Salvador. In her letter she argues that she is eligible for late **initial** registration because she previously filed an asylum application that she considers as still pending. The applicant submits a copy of a Form 1-766, Employment Authorization Card, that was issued to her based upon her earlier application for asylum. AAO acknowledges that the applicant is a Honduran citizen and national and is issuing this decision to correct our error.

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 CSC Director's decision to deny the application will be affirmed.

It is noted that the director's decision does not explore the possibility that the applicant was attempting to file a late initial application for TPS instead of an annual re-registration.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant may apply for TPS during the initial registration period, or:

- (f) (2) During any subsequent extension of such designation if at the time of the initial registration period:

- (i) The applicant is a nonimmigrant or has been granted **voluntary** departure status or any relief from removal;
 - (ii) The applicant has an application for change of **status**, adjustment of **status**, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;
 - (iii) The applicant is a parolee or has a pending request for reparole; or
 - (iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.
- (g) Has filed an application for late registration with the appropriate Service director within a **60-day** period immediately following the expiration or termination of conditions described in paragraph (f)(2) of this section.

The initial registration period for Honduras was from January 5, 1999 through August 20, 1999. The record reveals that the applicant filed her initial application on July 5, 2000, and the current application with CIS on November 22, 2004.

To qualify for late registration, the applicant must provide evidence that during the initial registration period she fell within at least one of the provisions described in 8 C.F.R. § 244.2(f)(2) above.

The applicant argues that she is eligible for late registration based on an earlier application for asylum. However, the record reflects that on April 4, 1997, the applicant's request for asylum was denied by an Immigration Judge (11), in Miami, Florida. The IJ granted the applicant voluntary departure from the United States on or before May 5, 1997, with an alternate order of deportation to Honduras if she should fail to depart as ordered. There is no evidence in the record that the applicant departed from the United States as required. The applicant has failed to provide any evidence to establish that any other application should be accepted as a late initial registration under 8 C.F.R. § 244.2(f)(2). Therefore, the initial application and the current application are denied for this additional reason.

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 cited 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.