



U.S. Citizenship  
and Immigration  
Services

(b)(6)

[Redacted]

DATE: **MAR 31 2015** OFFICE: CALIFORNIA SERVICE CENTER

FILE: [Redacted]

IN RE: APPLICANT: [Redacted]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254a

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a citizen of Haiti who is applying for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The record reveals that on May 3, 2010, the applicant filed a Form I-821, Application for Temporary Protected Status (Form I-821) application during the initial registration period that was denied on December 15, 2010. The director found the applicant had failed to establish his Haitian nationality and his identity. We rejected a subsequent appeal as untimely on June 9, 2011.

The applicant filed another Form I-821 on November 7, 2011, as a new initial application for TPS. On August 1, 2012, the director denied the application because the applicant failed to establish his nationality, his identity, and his continuous physical presence since July 23, 2011. We dismissed a subsequent appeal.

The applicant filed the current Form I-821 on April 2, 2013, indicating that he was re-registering for TPS. The director denied the application because the applicant had not been previously granted TPS as his initial TPS application(s) had been denied and, therefore, he was not eligible to apply for re-registration for TPS.

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.

On appeal, the applicant states that his initial TPS applications were denied because of an issue with his identity. He asserts that he has established his identity and nationality and is eligible for TPS. He also request consideration on humanitarian grounds due to the devastation of the 2010 earthquake that devastated Haiti. The applicant does not submit additional evidence.

We have reviewed all of the evidence and have made a *de novo* decision based on the record and our assessment of the credibility, relevance and probative value of the evidence.<sup>1</sup>

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.

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<sup>1</sup>The AAO conducts appellate review on a *de novo* basis. The AAO's *de novo* authority is well recognized by the federal courts. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004).