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**U.S. Citizenship
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FILE: [REDACTED]
[WAC 05 047 70713]

Office: California Service Center

Date: **JUL 11 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: 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.

for 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 July 25, 2001, under CIS receipt number SRC 01 248 54846. The Director, Texas Service Center (TSC) denied the application on December 12, 2001, because the applicant failed to establish that he was eligible for late initial registration for TPS. A subsequent late motion to reopen was filed on July 22, 2003, and was rejected by the TSC director, as untimely, on September 5, 2003.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on November 16, 2004, under CIS receipt number WAC 05 047 70713, and indicated that he was filing an initial application for TPS. The Director, California Service Center, denied that application on June 24, 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 has been in the United States since he entered in 1997, and he would like the opportunity to be legal. With the appeal, in an attempt to establish his eligibility for TPS, the applicant submits copies of: CIS fingerprinting notification, issued in August 2001; an untranslated letter in Spanish; 2 schedule and fee receipts, dated in 2003, and 2004; a letter from [REDACTED] of Tierra Home Corporation, dated June 17, 2004, giving the applicant permission to install a satellite dish; 2 insurance claim letters, dated April 15, 2003; and receipts, invoices, and a check, dated July 12, 2003, written to the applicant.

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.

Beyond the decision of the director, the applicant has not submitted sufficient evidence to establish eligibility for late initial registration. For this reason also, the application must be denied.

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.