

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

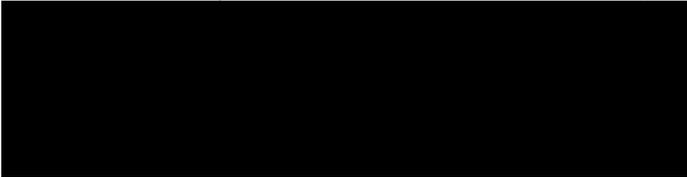
U.S. Department of Homeland Security  
20 Massachusetts Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

PUBLIC COPY

M1



FILE: [REDACTED] OFFICE: California Service Center DATE: MAY 08 2007  
[WAC 05 084 72824]

IN RE: Applicant: [REDACTED]

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. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The applicant claims to be 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 an initial TPS application with the Vermont Service Center (VSC) on July 5, 2002 [receipt number EAC 02 244 50662], which was nearly three years after the close of the initial registration period for TPS applicants from Honduras on August 20, 1999. The Director, VSC, denied that application on August 5, 2003, on the ground that the applicant had failed to submit the requisite evidence to establish her eligibility for TPS. The applicant appealed, and the AAO remanded the case to the VSC for the issuance of a new decision setting forth the specific reasons for the denial. On October 26, 2005, the Director, VSC, issued a new decision denying the application on the ground that the documentation submitted by the applicant in response to two requests for evidence failed to establish that she was eligible for late TPS registration under the provisions of 8 C.F.R. § 244.2(f)(2). The applicant did not appeal the second decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 19, 2004, and indicated that she was re-registering for TPS.

The director denied the re-registration application on July 23, 2005, on the ground that the applicant's initial TPS application had been denied, thereby making her ineligible to re-register 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. *See* 8 C.F.R. § 244.17.

On appeal counsel asserts that the applicant has submitted the requisite evidence to establish that she entered the United States in January 1998 and has lived in the country continuously since then. Counsel did not address the issue of the late filing of the initial application, however, and has not submitted any further evidence that the applicant qualifies for late TPS registration. Since the applicant was not granted TPS in her initial application, she is not eligible to re-register for TPS. Accordingly, the director's decision to deny the current application will be affirmed.

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

An alien applying for Temporary Protected Status, or 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 that burden.

**ORDER:** The appeal is dismissed.