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



U.S. Citizenship
and Immigration
Services

MI

[REDACTED]

FILE:

[WAC 05 195 70974]

Office: CALIFORNIA SERVICE CENTER

Date:

SEP 07 2006

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:

[REDACTED]

INSTRUCTIONS:

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.

Cindy N. Gomez

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's annual re-registration for Temporary Protected Status was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained.

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 applicant filed the current Form I-821, Application for Temporary Protected Status, on April 13, 2005, and indicated that he 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.

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 record reveals that the applicant filed a Form I-821 during the initial registration period under Citizenship and Immigration Services (CIS) receipt number SRC 99 115 52145. The Director, Texas Service Center, approved that application on July 21, 1999. The applicant filed another application on May 28, 2002 in which he indicated that it was his first application to register for TPS. That application carries the notation that it was denied on October 31, 2002. However, the record contains no decision by the director bearing that date. It is noted that a subsequent employment authorization application was approved for the applicant under category A-12 on July 8, 2003.

In this case, the record clearly reveals that the applicant has been granted TPS. There are no known grounds of ineligibility. Therefore, the director's decision will be withdrawn and the appeal will be sustained.

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 met this burden.

ORDER: The director's decision is withdrawn and the appeal is sustained.