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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: **APR 25 2007**
[WAC 05 084 76413 as it relates to
EAC 99 201 50685]

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 (AAO) in your case. All documents have been returned to the California Service Center. Any further inquiry must be made to that office.

Cindy M. Gomez for

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center (CSC), and is now before the Administrative Appeals Office (AAO) on appeal. The decision of the director will be withdrawn, and the application will be approved. 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.

On July 23, 2005, the director of the CSC denied the application for re-registration on the basis that the applicant's initial TPS application had been denied and the applicant was, therefore, not eligible for re-registration.

On appeal, counsel for the applicant submits a brief and additional documentation.

A review of the record reveals that the applicant filed a first Form I-821, Application for Temporary Protected Status, with the Vermont Service Center (VSC) on May 6, 1999, during the initial registration period for Hondurans (EAC 99 201 50685 relates). On March 30, 2000, the VSC director approved that application.

The applicant also filed re-registration applications in 2000 through 2004. A Form I-821 application received by the CSC [WAC 05 061 71797] was rejected in error on December 1, 2004, because an "outdated version" of the form had been submitted.

The applicant filed this Form I-821 on December 24, 2004, and indicated that he was re-registering for TPS. The director of the CSC denied the application on July 23, 2005, on the basis that the applicant's initial TPS application had been denied. The applicant, through counsel, filed the current appeal from that decision on August 23, 2005.

If the applicant is filing an application for 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 record of proceedings reveals that the CSC director's denial decision was in error. Specifically, the record reveals that the applicant was previously granted TPS, and does not reflect any grounds that would bar the applicant from receiving such status. Therefore, the CSC director's decision will be withdrawn, and the application will be approved.

An alien applying for Temporary Protected Status has the burden of proving that she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. Here, the applicant has met this burden.

ORDER: The appeal is sustained. The decision of the CSC director, dated July 23, 2005, is withdrawn, and the application is approved.