

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

[REDACTED]

M

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date:

DEC 04 2007

[WAC 005 083 70503]

IN RE:

Applicant:

[REDACTED]

APPLICATION:

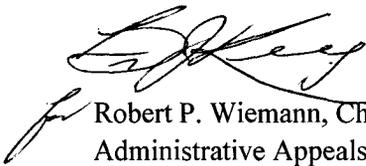
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:

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.


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 on appeal. The appeal will be sustained. The decision of the director will be withdrawn, and the application will be approved.

The applicant is 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 applicant filed an initial TPS application under Citizenship and Immigration Services (CIS) receipt number WAC 01 296 55351. The director denied that application on November 21, 2002, on the ground that the applicant failed to establish that he was eligible for late registration. On December 20, 2002, the applicant filed an appeal from the denial decision. In a decision provided under separate cover, the Chief of the AAO sustained the appeal, withdrew the director's decision, and approved the initial application, finding that the applicant had established his eligibility for late registration under 8 C.F.R. § 244.2(f)(2)(iv).

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 16, 2004, and indicated that he was re-registering for TPS.

The director denied the application on July 23, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration.

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 Chief of the AAO has withdrawn the denial of the applicant's initial TPS application and approved the application. Therefore, the applicant is eligible to re-register for TPS. Consequently, the director's decision to deny the current application for re-registration will be withdrawn, and the application will be approved.

An alien applying for 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 met this burden.

ORDER: The appeal is sustained. The decision of the director is withdrawn, and the application is approved.