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FILE: [REDACTED]  
[WAC 05 084 76054]

Office: CALIFORNIA SERVICE CENTER

Date: DEC 13 2007

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.

  
for Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

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 record reveals that the applicant filed her initial TPS application on July 12, 2002 under CIS receipt number LIN 02 238 51333. The director denied that application on February 4, 2003, because the applicant failed to establish her eligibility to file for late initial registration. On March 3, 2003, the applicant filed an appeal from the denial decision. On June 3, 2003, the director reopened the case and approved the application.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 23, 2004 and indicated that she 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.

On appeal, the applicant states that the director reopened the case and approved her initial application on June 3, 2003. The applicant also submits a copy of an order from the Director, Nebraska Service Center that indicates that the case was reopened.

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 previously been granted TPS. Consequently, she is eligible to re-register for TPS.

Therefore, the director's decision will be withdrawn and the application will be approved.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 he or 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.