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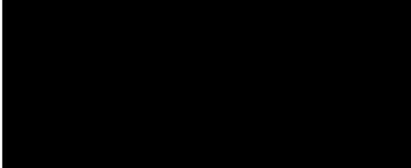


FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: DEC 18 2007
[EAC 03 260 56630 as it relates to SRC 99 206 51855]

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 Vermont Service Center. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the District Director, Miami, Florida. A subsequent application for re-registration was denied by the Director, Vermont Service Center, and is currently before the Administrative Appeals Office on appeal. The case will be *sua sponte* reopened, the appeal will be sustained and the applications will be approved.

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 an initial Form I-821, Application for Temporary Protected Status, under receipt number SRC 99 206 51855 which was denied by the director on August 14, 2000, for lack of prosecution.

The applicant filed the current Form I-821 under receipt number EAC 03 260 56630 on September 19, 2003, and indicated that he was re-registering for TPS.

The director denied the re-registration application because the applicant had failed to provide any support documentation that establishes any non-immigrant or "relief of removal" status during the initial registration period.

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.

Prior to the denial of his initial TPS application by the District Director, Miami, Florida, the applicant filed a subsequent Form I-765, Application for Employment Authorization, providing updated address information. However, the District Director sent the applicant a request for evidence dated August 2, 2000, and a denial notice dated August 14, 2000, concerning his initial Form I-821 to the address that he listed on his initial application and not to the latest address that he had provided for the record.

The record of proceedings contains sufficient evidence to establish the applicant's eligibility for TPS and does not reflect any grounds that would bar the applicant from receiving TPS.

The director's denial of the application for re-registration or renewal is dependent upon the adjudication of the initial application. Since the initial application is being approved, the appeal from the denial of the re-registration will be sustained and that application will also be approved.

An alien applying for temporary protected status has the burden of proving that he or she meets the above requirements and is eligible under the provisions of section 244 of the Act. The applicant has met this burden.

ORDER: The denial of the initial application is withdrawn, the appeal for the re-registration application is sustained and both applications are approved.