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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: NOV 05 2007
[WAC 05 050 71085 as it relates to SRC 02 150 54545, EAC 01 108 51271, and EAC 99 202
51382]

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was approved by the Director, Vermont Service Center (VSC). A subsequent application for re-registration was denied by the Director, California Service Center, and is currently before the Administrative Appeals Office on appeal. The case will be *sua sponte* reopened, the applications will be approved and 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 an I-821, Application for Temporary Protected Status, during the initial registration period under receipt # EAC 99 202 51382 which was approved by the VSC Director on September 4, 2002.

The applicant filed the current Form I-821, on November 19, 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. However, as indicated above, his initial application for TPS had been approved.

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.

On August 1, 2000, the VSC Director denied the applicant's initial I-821 under receipt EAC 99 202 51382, finding that she had abandoned her application by failing to provide a current address valid address. On August 23, 2001, the VSC Director denied the applicant's re-registration I-821 under receipt number EAC 01 1108 51271 finding that the applicant was not eligible for late initial filing. The applicant filed a timely appeal to that determination. On July 17, 2002, the Director, Texas Service Center (TSC), denied another re-registration I-821 under receipt number SRC 02 150 54545 finding that the applicant was not eligible for late initial filing and that the applicant had not shown that she met continuous residence and physical presence requirements. On September 4, 2002, the VSC Director obviated all previous findings by approving the applicant's initial I-821 under receipt number EAC 99 202 51382. After a review of the record, the Chief, AAO, concurs with the director's approval decision of September 4, 2002. Therefore, the appeal will be sustained and her application shall remain approved.

The applicant has satisfied all other eligibility requirements for TPS. Therefore, the application is approved.

The director's denial of the application(s) for re-registration or renewal is dependent upon the adjudication of the initial application. Since the initial application has been 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 all 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 and all intervening applications are approved.