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U.S. Citizenship
and Immigration
Services

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FILE:

Office: VERMONT SERVICE CENTER

Date:

DEC 05 2008

[WAC 05 234 51921, appeal]

[WAC 05 067 73503]

IN RE:

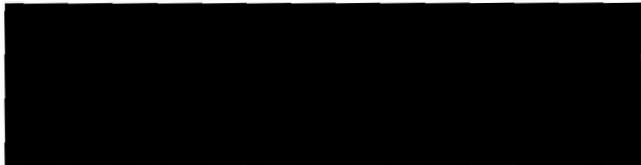
Applicant:



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.

John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The initial application was approved by the District Director, Houston, Texas. A subsequent application for re-registration was denied by the Director, California Service Center (CSC), 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 number SRC 99 256 52576 which was approved by the District Director, Houston, Texas, on June 11, 2003.

The applicant filed a subsequent Form I-821 under receipt number WAC 05 067 73503 on December 6, 2004, and indicated that he was re-registering for TPS.

The CSC 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.

The CSC Director's denial of the application 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.

It is noted that the applicant filed another Form I-821 under receipt number WAC 06 109 52668 on February 6, 2006 and indicated that he was re-registering for TPS. That application was approved by the CSC Director on May 9, 2006.

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 appeal is sustained. The initial application is approved and the appeal concerning the application for re-registration is sustained.