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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
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U.S. Citizenship  
and Immigration  
Services

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[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date: FEB 04 2008

[WAC 05 089 71726]

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 (AAO) 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 (CSC), and is now before the Administrative Appeals Office (AAO) 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 The decision of the director will be withdrawn, and the application will be approved.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 native and citizen of Nicaragua who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director of the CSC denied the applicant's application for re-registration or renewal of temporary treatment benefits on the basis that the applicant's prior TPS application had been denied because the applicant did not establish prima facie eligibility for TPS.

On appeal, the applicant submits evidence that a previous application for TPS was approved on April 8, 2002.

A review of the record reveals that the applicant filed a first Form I-821, Application for Temporary Protected Status, with the Nebraska Service Center (NSC) on May 24, 1999, during the initial registration period for Nicaraguans (LIN 99 172 51411 relates). That application was denied due to abandonment on November 21, 2000, because the director found that the applicant had failed to comply with fingerprinting requirements.

The applicant filed a second Form I-821 on July 5, 2001 (LIN 01 223 52837 relates). The record indicates that that application was approved on April 8, 2002.

The applicant filed the current Form I-821 on December 28, 2004, and indicated that she was re-registering for TPS or renewing her temporary treatment benefits. The director of the CSC denied the application on July 23, 2005, on the basis that the applicant's initial TPS application had been denied. The applicant filed her appeal of that decision on August 22, 2005.

If the applicant is filing an application for 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. If the applicant is applying to renew her temporary treatment benefits, she must have a pending TPS application.

In this case, the record of proceedings reveals that the director's decision was in error. Specifically, the record reveals that the applicant was previously granted TPS on April 8, 2002, and does not reflect any grounds that would bar her from receiving such status. 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 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. The decision of the director, dated July 23, 2005, is withdrawn, and the application is approved.