

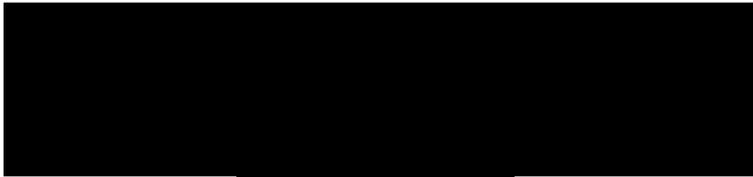
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FILE:



Office: NEBRASKA SERVICE CENTER

Date: FEB 20 2008

[LIN 03 217 50236]  
[LIN 99 098 51309]

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:

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, Nebraska Service Center, and is now before the Administrative Appeals Office on appeal. 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 director determined that the applicant failed to establish that she was eligible for filing her TPS application after the initial registration period from January 5, 1999 to August 20, 1999. The director, therefore, denied the application.

On appeal, the applicant states that she has established her eligibility for TPS.

As stated in 8 C.F.R. § 244.1, "register" means "to properly file, with the director, a completed application, with proper fee, for Temporary Protected Status during the registration period designated under section 244(b) of the Act."

The record reveals that the applicant did file an initial application for TPS during the initial registration period on January 20, 1999, under Immigration and Naturalization Service (INS), now Citizenship and Immigration Services (CIS) receipt number LIN 99 098 51309. That application was denied for abandonment on April 3, 2003, for failure to appear to be fingerprinted. However, the record of proceedings reveals that the applicant was fingerprinted on at least four occasions with no adverse information which would preclude her from receiving TPS.

The applicant filed subsequent re-registration applications under receipt LIN 02 214 50905 on December 26, 2001 and under receipt LIN 02 231 50376 on June 26, 2002. The applicant filed the current Form I-821, application for TPS, on July 1, 2003. The applicant's initial Form I-821 was properly filed on January 20, 1999 and was denied by the director on April 3, 2003. Any Form I-821 application subsequently submitted by the same applicant after an initial application is filed and a decision rendered, must be considered as either a request for annual registration or as a new filing for TPS benefits.

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 Therefore, the director's decision will be withdrawn and the initial application will be approved.

The director's denial of the subsequent TPS application, as a late initial application, is dependent upon the adjudication of the initial application. Since the initial application is being approved, the appeal from the denial of the subsequent TPS application will be sustained, the director's decision withdrawn, 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 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.