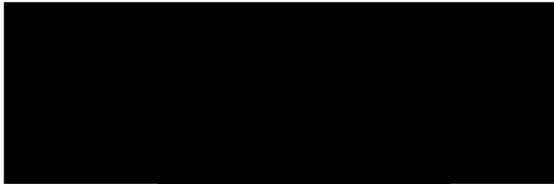


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**U.S. Citizenship
and Immigration
Services**

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FILE: [REDACTED] Office: California Service Center
[WAC 05 067 73038, as it relates to SRC 99 230 54559]

Date: **JAN 18 2008**

INRE: 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 in your case. All documents have been returned to the California Service Center. Any further inquiry must be made to that office.

for Robert P. Wiem, ef
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Nebraska Service Center. A subsequent appeal to Administrative Appeals Office (AAO) was sustained by the Chief, Administrative Appeals Office. A subsequent re-registration was denied by the Director, California Service Center, and is currently before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained and the re-registration application will be approved.

The applicant is a 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 record reveals that the applicant filed an initial TPS application on July 14, 1999, under Citizenship and Immigration Services (CIS) receipt number SRC 99 230 54559. The Director, Nebraska Service Center, improperly denied that application on October 25, 2002, due to abandonment, based on his determination that the applicant had failed to respond, within 30 days, to a request for evidence. In a subsequent appeal the AAO Chief sustained the appeal and approved the petition, on August 30, 2005, after determining that the applicant had responded to the director's request for evidence, and had submitted sufficient evidence to establish her eligibility for TPS.

The applicant filed subsequent applications, including the current Form I-821, Application for Temporary Protected Status, under CIS receipt number WAC 05 067 73038, and indicated that she was re-registering for TPS. The director denied this application on July 23, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to re-register for TPS.

As noted above, the AAO Chief approved the initial application, on August 30, 2005. The director's denial of the application for re-registration or renewal is dependent upon the adjudication of the initial application. However, the Director, California Service Center, denied the re-registration application prior to the decision of the AAO Chief approving the initial application. The record of proceedings reveals that the Federal Bureau of Investigations (FBI) fingerprint checks conducted in connection with the re-registration applications show no derogatory results. Therefore, since the initial application has been approved the director's decision to deny the re-registration application will be withdrawn, and the re-registration application will be approved.

The burden of proof in these proceedings rests solely with the applicant. Section 291 of the Act, 8 U.S.c. § 1361. The applicant has sustained that burden.

ORDER: The application is reopened and the director's denial of the initial application is withdrawn. The initial application and the re-registration application are both approved. The appeal is sustained.