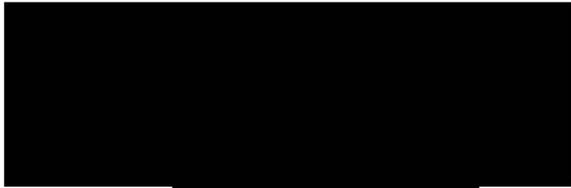


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prevent clearly unwarranted
invasion of personal privacy**

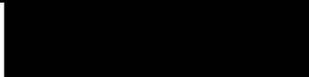


**U.S. Citizenship
and Immigration
Services**

PUBLIC COPY



FILE:



Office: California Service Center

Date: **JAN 23 2008**

[WAC 05 III 81954]

INRE:

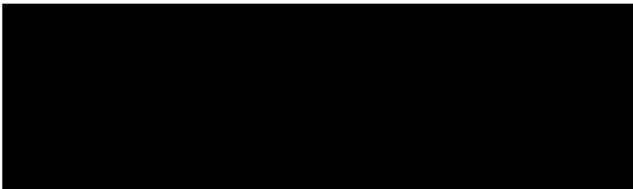
Applicant:



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 California Service Center. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Vermont Service Center, and was approved by the Administrative Appeals Office (AAO) on appeal. A subsequent application for 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 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 a late initial TPS application on June 23, 2003, under CIS receipt number EAC 20551503. The director denied that application on November 3, 2003, after determining that the applicant failed to establish eligibility for late initial registration, and failed to establish his continuous residence and his continuous physical presence in the United States.

The applicant filed the current Form 1-821, Application for Temporary Protected Status, on January 19, 2005 under CIS receipt number WAC 05 III 81954, and indicated that he was re-registering for TPS. The Director, California Service Center, denied the re-registration application on June 28, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to re-register for TPS.

However, in a decision issued simultaneously with this decision, the AAO approved the initial TPS 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.

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 re-registration application is approved. The appeal is sustained.