



U.S. Citizenship
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Services

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[REDACTED]

FILE:

[REDACTED]

OFFICE: CALIFORNIA SERVICE CENTER

DATE: JAN 30 2006

[REDACTED] consolidated into [REDACTED]
physical file not created]

[WAC 05 110 70922]

[SRC 99 131 52443]

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 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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained and the application will be approved.

The applicant is a native and citizen of Honduras who was granted Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254, on April 6, 2000, under receipt number SRC 99 131 52443 (file number [REDACTED]).

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 18, 2005 (WAC 05 110 70922), and indicated that he was re-registering for TPS. The director treated the application as an initial TPS application, and a new file (number [REDACTED]) was created. On May 26, 2006, the director denied the application because the applicant had failed to respond to a Notice of Intent to Deny (NOID) dated March 21, 2006, requesting evidence to establish eligibility for late initial registration; to establish nationality and identity; and to establish continuous residence in the United States since December 30, 1998, and continuous physical presence from January 5, 1999, to the date of filing the application. It is noted that the applicant did respond to the director's NOID on May 17, 2006, prior to the director's denial decision.

The record, in this case, indicates that the applicant was granted TPS on April 6, 2000. The director erroneously treated the subsequently filed re-registration application as an initial application, and denied the application on May 26, 2006. Therefore, the director's decision to deny the [re-registration] application will be withdrawn, and the application will be approved.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. The applicant has met this burden.

ORDER: The appeal is sustained and the application is approved.