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FILE:



OFFICE: California Service Center

DATE:

DEC 18 2007

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IN RE:

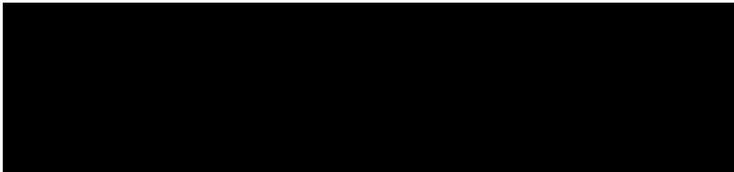
Applicant:



APPLICATION:

Application for Temporary Protected Status under Section 244 of the Immigration
and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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 (CSC). It is now on appeal before the Administrative Appeals Office (AAO). The director's decision will be withdrawn. The appeal will be sustained, and the application 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 Form I-821, Application for Temporary Protected Status, with the Vermont Service Center (VSC) in June 1999. That application (EAC 99 205 50699) was approved by the Director, VSC, on December 6, 2000. On April 2, 2003, however, the VSC Director withdrew the applicant's TPS on the ground that he had failed to re-register for the one-year time period of July 2, 2001 – July 5, 2002. The applicant appealed and the AAO, in a separate decision, has overruled the VSC Director and restored the applicant's TPS.

Meanwhile, the applicant filed the instant application to re-register for TPS on December 9, 2004. The application was denied on July 23, 2005, by the Director, CSC, on the ground that the applicant's prior TPS application had been denied, making him ineligible for re-registration under 8 C.F.R. § 244.17(a). The applicant filed a timely appeal.

Since the applicant's TPS has now been restored under the initial application he filed in 1999, the legal basis for the denial of the re-registration application is no longer valid. There being no evidence that the applicant is otherwise inadmissible to the United States, the AAO determines that the applicant has overcome the ground of denial in the CSC Director's decision and established his eligibility to re-register for TPS. Accordingly, the director's decision will be withdrawn and the appeal sustained.

An alien applying for Temporary Protected Status, or TPS, 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 that burden.

ORDER: The director's decision of July 23, 2005, is withdrawn. The appeal is sustained, and the application is approved.