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U.S. Citizenship  
and Immigration  
Services

*ML*

[REDACTED]

FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE: JUL 13 2007  
[WAC 05 224 73416 as it relates to EAC 99 222 50448 and EAC 04 116 50249]

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:

[REDACTED]

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.

*Cindy N. Gomez*  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The applicant's initial TPS application was denied, then subsequently approved, by the Director, Vermont Service Center. 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 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 denied the re-registration application after determining that the applicant had not been previously approved for TPS.

On appeal, counsel asserts the applicant's eligibility for TPS.

The applicant filed an initial application for TPS on July 6, 1999, under receipt number EAC 99 222 50448. The Director, Vermont Service Center, denied the TPS application on May 17, 2000, due to abandonment, because the applicant failed to respond to the director's request for evidence. The applicant was informed that he had 33 days from the date of the decision to file a motion to reopen. The applicant filed a motion to reopen on July 5, 2001. The director dismissed the motion on October 18, 2001, because it had been filed after the 33 days, and because it did not meet the requirements for a motion. The applicant filed another motion to reopen on June 17, 2002, requesting that the director reconsider his application for TPS. The director denied that motion on August 14, 2002, for the same reasons cited above. The applicant filed additional applications. On July 22, 2004, his TPS application was again denied, for failure to submit evidence of eligibility for late initial registration, continuous physical presence and continuous residence, and evidence of nationality and citizenship. The applicant then filed another appeal on August 31, 2004. This appeal was treated as a motion. The director reviewed the motion and approved the applicant's TPS application on December 8, 2004.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 12, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application noting that the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

However, as stated above, the TPS application was approved on December 8, 2004.

Therefore, the appeal from the denial of the re-registration will be granted and that application will be approved.

An alien applying for 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 this burden.

**ORDER:** The applicant's re-registration application is approved. The appeal is sustained.