



U.S. Citizenship  
and Immigration  
Services

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FILE:

[WAC 05 084 81574]

OFFICE: CALIFORNIA SERVICE CENTER

DATE: **JUL 30 2007**

IN RE:

Applicant:

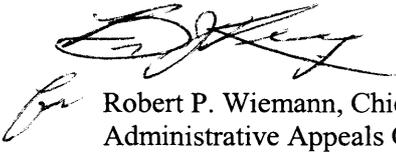
APPLICATION:

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.

  
for Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center (CSC), and is now before the Administrative Appeals Office on appeal. The appeal will be withdrawn, and the case will be terminated.

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 record reveals that the applicant filed an initial TPS application on July 8, 2003, under Citizenship and Immigration Services (CIS) receipt number LIN 03 221 50725. The Director, Nebraska Service Center (NSC), denied that application on November 4, 2003, because the applicant had failed to respond to a notice of intent to deny dated July 31, 2003, requesting that the applicant submit evidence to establish that she was eligible for late registration. The NSC director noted that although the applicant submitted evidence of an entry into the United States on December 28, 1998, there appears to have been a subsequent departure and reentry on November 22, 1999, and that the applicant submitted no evidence whatsoever of her continuous residence and continuous physical presence in the United States during the qualifying period.

The applicant filed the current Form I-821, Application for Temporary Protected Status (WAC 05 084 81574), on December 23, 2004, and indicated that this is her "first application to register for Temporary Protected Status (TPS)." The CSC director treated the application as a re-registration application and determined that because the applicant's initial TPS application had been denied, the applicant was not eligible to apply for re-registration for TPS; therefore, the CSC director denied the application on May 5, 2006.

On appeal, the applicant asserts that she entered the United States on November 22, 1999, that she immediately enrolled in school, and that she meets the late initial registration requirement since she is the daughter of parents granted TPS, her father [REDACTED] and mother [REDACTED].

It is noted that the applicant, in this case, was not filing a re-registration application but, rather, she was filing her first or initial application. A decision based on late initial registration rather than based on re-registration would be the proper procedure in this case. However, subsequent to the appeal, counsel submits a statement from the applicant, dated June 29, 2007, requesting that her appeal of the denial of her TPS application be withdrawn.

Therefore, without addressing the merits of this case, the appeal will be withdrawn, and the case will be terminated.

**ORDER:** The appeal is withdrawn. The case is terminated.