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U.S. Citizenship  
and Immigration  
Services

MI

[Redacted]

FILE:

[Redacted]

Office: CALIFORNIA SERVICE CENTER

Date: MAY 31 2007

[WAC 05 090 84562 as it pertains to SRC 99 110 53232]

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 M. Gomez*

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial application was denied by the Director, Texas Service Center (TSC). 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 case will be *sua sponte* reopened, the appeal will be sustained, and the applications 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 applicant filed the current Form I-821 on December 29, 2004, and indicated that she was re-registering for TPS.

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

If the applicant is filing an application as a re-registration, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

The applicant filed an initial application Form I-821, Application for Temporary Protected Status, under receipt # SRC 99 110 53232 on January 19, 1999, during the initial registration period. The application was denied by the director on March 21, 2003, because the applicant had abandoned her application by failing to submit photo identification such as a photocopy of her passport.

It is noted that the director's Notice of Intent to Deny that he sent to the applicant on January 10, 2003, indicated that as it was her first application to register for TPS, she must show that she met the criteria for late initial registration. This was in error. Although this was the applicant's first application, she was filing it during the initial registration period and not as a late initial registration.

As stated above, the director denied the initial application on March 21, 2003, after determining that the applicant had abandoned her application by failing to provide a copy of photo identification such as her passport. However, the record reflects that a copy of her passport was already included in the file and that it was submitted with, or prior to, her initial Form I-821 dated January 19, 1999. She had also submitted a copy of her Florida Identification Card issued on July 17, 1996 with, or prior to, her initial January 19, 1999 application.

The applicant has satisfied all other eligibility requirements for TPS. The case is *sua sponte* reopened, the appeal is sustained and the applications are approved.

An alien applying for temporary protected status has the burden of proving that he or she meets the above requirements and is eligible under the provisions of section 244 of the Act. The applicant has met this burden.

**ORDER:** The denial of the initial application is withdrawn, the appeal for the re-registration application is sustained, and both applications are approved.