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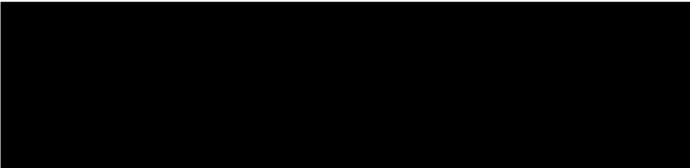
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
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Services

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FILE:

[LIN 03 231 50221]
[WAC 05 112 72938]

Office: CALIFORNIA SERVICE CENTER

Date FEB 15 2008

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:

SELF-REPRESENTED

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Nebraska Service Center. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office, and the application will be approved. A subsequent application for re-registration was denied by the Director, California Service Center (CSC), 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 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 an initial application for TPS under receipt number LIN 03 231 50221. The director denied the initial application on November 4, 2003, after determining that: (1) the applicant failed to establish his continuous residence and continuous physical presence in the United States during the qualifying period; and, (2) the applicant had not established his eligibility to file for late initial registration.

The applicant filed an untimely appeal that was treated as a motion to reopen by the director, Nebraska Service Center, and denied on February 4, 2004.

The applicant filed a subsequent TPS application on January 20, 2005 that was denied by the CSC on July 23, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

The record of proceedings reveals that the applicant is the child of a TPS-eligible alien. In addition, on appeal of the California Service Center Director's denial decision of July 23, 2005, the applicant submitted sufficient evidence to establish his continuous residence and continuous physical presence in the United States during the qualifying period.

The record of proceedings contains sufficient evidence to establish the applicant's eligibility for TPS and does not reflect any grounds that would bar the applicant from receiving TPS. Therefore, the director's decision will be withdrawn and the initial application will be approved.

The director's denial of the application for re-registration or renewal is dependent upon the adjudication of the initial application. Since the initial application is being approved and the appeal from the denial of the re-registration is being sustained, the re-registration also will be approved.

ORDER: The application is reopened and the director's denial of the initial application is withdrawn. The initial application and the re-registration application are both approved.