



**U.S. Citizenship
and Immigration
Services**

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FILE:

Office: NEBRASKA SERVICE CENTER

Date: MAR 05 2008

[LIN 02 244 50237]
[LIN 99 175 53945]

INRE:

Applicant:

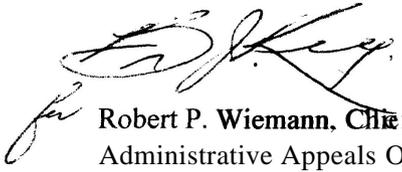


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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 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 matter is an application for Temporary Protected Status (TPS). The initial application was denied as abandoned by the Director, Nebraska Service Center. Another TPS application was filed, this was denied, and the applicant submitted an appeal that was remanded by the Director, Administrative Appeals Office (AAO). The Director, Nebraska Service Center, again denied the application and certified the case to the AAO for review. The director's recommendation will be denied; the applications will be approved; and, the appeal will be sustained.

The applicant is a native and citizen of Honduras who indicated on her application that she entered the United States in 1991. Initially, the director found that the applicant had failed to satisfy the requirements for late registration; however, the record did not support the director's finding when the initial denial was issued on January 27, 2003. The case was remanded for the director to address the deficiencies. The director recommended that the application be denied, and certified the decision for review.

The applicant has not challenged the director's recommendation nor has she submitted any additional evidence subsequent to the certification of her case.

As stated in 8 C.F.R. § 244.1, "register" means "to properly file, with the director, a completed application, with proper fee, for Temporary Protected Status during the registration period designated under section 244(b) of the Act."

The record reveals that the applicant did file an initial application for TPS during the initial registration period on May 28, 1999 under LIN 99 175 53945. That application was denied for abandonment on October 25, 2000, for failure to appear for fingerprinting. Since the application was denied due to abandonment there was no appeal available; however, the applicant could have filed a request for a motion to reopen within 30 days from the date of the denial. The record of proceedings reveals that the applicant's fingerprints were processed by the Federal Bureau of Investigation (FBI) on September 18, 2002, with a favorable result.

The subsequent TPS application was denied for late initial registration, appealed, and then remanded.

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. The initial application was filed during the initial registration period and the applicant satisfied all requirements for eligibility. 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, the appeal from the denial of the re-registration will be sustained and that application will also be approved.

The burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by Citizenship and Immigration Services (CIS). 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof, the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b). Here the applicant has met this burden.

ORDER: The director's recommendation to deny the applications is denied, the applications are both approved, and the appeal is sustained.