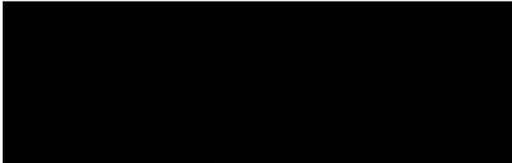




U.S. Citizenship  
and Immigration  
Services

Identifying data deleted to  
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invasion of personal privacy

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FILE: [REDACTED]  
[EAC 06255 75370]

OFFICE: Vermont Service Center

DATE: MAR 13 2008

INRE: Applicant:



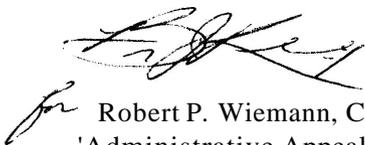
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the Vermont Service Center. Any further inquiry must be made to that office.

  
for Robert P. Wiemann, Chief  
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Miami Field Office. Subsequent applications for re-registration were denied by the Directors, California and Vermont Service Centers, and this application 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 his first Form 1-821, Application for Temporary Protected Status, during the initial registration period for TPS on June 10, 1999, under receipt number SRC 99 193 53199. The application was transferred to the Miami Field Office for adjudication. The Director of the Miami Office denied the application on January 17, 2004, because the applicant had abandoned his application by failing to respond to a request for information.

The applicant filed the current Form 1-821, Application for Temporary Protected Status, on April 28, 2005, and indicated that he was re-registering for TPS.

The applicant filed a subsequent application that was denied on April 9, 2007, because the applicant's initial application had been denied.

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.

An examination of the record reveals that the Miami Office re-opened the applicant's application after he had provided proof of responding to the director's request for information. However, no subsequent decision was issued by that office. A subsequent request for re-registration was denied by the California Service Center based on the initial denial by the Miami Office on January 17, 2004. Therefore, the application was denied in error.

A further review of the record reveals that the applicant did in fact respond to the director's initial request for additional information. The evidence in the record establishes that the applicant has been continuously residing and physically present during the required periods, and that the applicant has only a single misdemeanor on his criminal record. Therefore, the applicant has established eligibility for TPS, and but for the administrative error on the part of Citizenship and Immigration Services (CIS), should have been granted TPS.

It is also noted that the applicant was ordered removed from the United States by an Immigration Judge in San Antonio, Texas, on June 2, 1986.

ORDER: The appeal is sustained.