



U.S. Citizenship
and Immigration
Services

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FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date: **MAY 12 2008**

[WAC 05 068 70570]

INRE:

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.

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 (AAO) on appeal. The appeal will be sustained.

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 her initial application for TPS on January 19, 1999, under receipt number LIN 99 10050081. The Nebraska Service Center (NSC) director denied the initial application due to abandonment on October 30, 2000, after determining that the applicant had failed to appear for her fingerprint appointment.

On July 9, 2002, the applicant filed a subsequent application for TPS under receipt number LIN 02 238 51470. The NSC director denied that application on February 18, 2003, because the applicant failed to establish her eligibility for TPS late registration. On March 18, 2003, the applicant filed an appeal which is being sustained by the Chief, AAO, under separate cover.

Given that the record fails to reflect any other ineligibility issues, the director's decision to deny the current application will be withdrawn and the application will be approved.

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

ORDER: The appeal is sustained and the application is approved.