

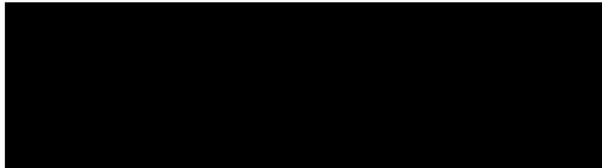


U.S. Citizenship
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FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER
[WAC 05 221 84259 as it pertains to SRC 02 156 53522]

Date: **NOV 02 2006**

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: 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.

Cindy N. Gomez for

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Texas Service Center. 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 initial application will be reopened, *sua sponte*, by the Chief, AAO. The appeal will be sustained, and the application approved.

The applicant is a native and citizen of El Salvador who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The record reveals that the applicant filed a Form I-821, Application for Temporary Protected Status, under Citizenship and Immigration Services (CIS) receipt number SRC 02 156 53522. The Director, Texas Service Center (TSC) denied that application on January 30, 2004, because the applicant had not submitted evidence to show that he arrived in the United States prior to February 13, 2001 and that he was physically present in the United States since March 9, 2001.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 9, 2005, and indicated that he 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.

In this case, the applicant has not previously been granted TPS because he had not submitted evidence that he arrived in the United States prior to February 13, 2001 and that he was physically present in the United States since March 9, 2001. However, prior to the TSC Director's January 30, 2004, determination, the applicant had forwarded a copy of his Republic of El Salvador passport showing that it was issued in Miami, Florida on September 4, 1998. He also submitted a copy of his progress report from the Dekalb County, Georgia Elementary Schools for the school year 2001-2002. The record also contains his State of Georgia Identification Card showing an "EXAM-DATE" of December 31, 2003, his Identification Card issued in September 2005 by the National Center for Missing and Exploited Children, an updated copy of his progress report from Dekalb County, Georgia Elementary Schools for the school year 2001-2002 and his report card from Dresden Elementary School in Dekalb County, Georgia dated December 17, 2004.

The applicant has established that he arrived in the United States prior to February 13, 2001 and that he was physically present in this country since March 9, 2001; and, he has satisfied all other eligibility requirements for TPS. Therefore, the application is 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 appeal is sustained.