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U.S. Citizenship  
and Immigration  
Services

ML

[REDACTED]

FILE:

[REDACTED]

[SRC 01 182 56151]  
[WAC 05 147 73107]

Office: CALIFORNIA SERVICE CENTER

Date:

SEP 07 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 office that originally decided your case. Any further inquiry must be made to that office.

*Robert P. Wiemann*  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial application was denied by the Director, Texas 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, 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 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 applicant filed an initial application for TPS under receipt number SRC 01 182 56151. The director denied the initial application on March 6, 2003, due to abandonment, because the applicant failed to respond to the Notice of Intent to Deny dated January 10, 2003.

However, the record of proceedings reveals that the Texas Service Center did not specify any time allotment in which the applicant was supposed to respond to the request for evidence. The applicant responded to the director's request for evidence on March 19, 2003.

The applicant submitted a copy of her El Salvadoran passport, birth certificate with English translation, and Cedulla; North Carolina Identification Card issued on February 2, 2001; a copy of the applicant's IRS form W-2 for the 2001 tax year from [REDACTED], a letter of employment from [REDACTED], [REDACTED] c., that states the applicant has been employed by the company since September of 2000; and medical records from [REDACTED], and the [REDACTED] c., dated December of 1999 through October of 2001. 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, the appeal from the denial of the re-registration will be sustained and that application will also 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 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, and the appeal is sustained.