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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: DEC 18 2007
[WAC 05 216 81502 as it relates to SRC 02 138 53753 and SRC 04 078 53886]

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:



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 initial application and a motion to reopen were denied by the Director, Texas Service Center (TSC). A subsequent application for re-registration was denied by the Director, California Service Center, and is currently before the Administrative Appeals Office on appeal. The case will be *sua sponte* reopened, the appeal will be sustained and the previous TPS applications will be 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 applicant filed an initial application for TPS under receipt number SRC 02 138 53753. The TSC Director denied the initial application on March 14, 2003, because the applicant had abandoned her application by failing to respond to a Notice of Intent to Deny dated January 14, 2003. The TSC Director denied the applicant's motion to reopen on February 19, 2004, finding she had not overcome the basis for the original denial of her TPS application.

The applicant filed subsequent applications.

The applicant filed the current application, [WAC 05 216 81502] on April 30, 2005, and indicated that she 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.

With her application for re-registration filed on January 6, 2004 [SRC 04 078 53886], the applicant submitted a copy of a birth certificate for her son born on September 13, 2000 in Nashville, Tennessee, and a hospital bill dated October 20, 2000 from the Metropolitan Nashville General Hospital stemming from his birth. She also submitted an affidavit from Mr. [REDACTED] dated December 23, 2003 who states that the applicant has been his roommate in Nashville, Tennessee, since 2000, along with copies of money orders for funds that she sent to persons in El Salvador in 1999, 2000, 2001, 2002 and 2003. Finally, she submitted copies of her pay slips for earnings in 2001, 2002, and 2003, along with a copy of a bank statement from Townecraft Credit Corporation in Glen Rock, New Jersey showing her account balance as of October 23, 2002.

The applicant has furnished sufficient evidence to establish her continuous residence and continuous physical presence during the requisite time periods. 8 C.F.R. § 244.2 (b) and (c). Therefore, the application shall 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 above requirements and is eligible under the provisions of section 244 of the Act. The applicant has met this burden.

ORDER: The initial 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. The appeal is sustained.