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U.S. Citizenship  
and Immigration  
Services

M,

[REDACTED]

FILE: [REDACTED]  
[WAC 05 215 77884]

Office: CALIFORNIA SERVICE CENTER

Date: DEC 18 2007

IN RE: Applicant:

[REDACTED]

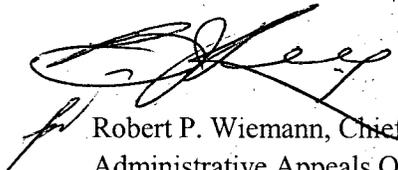
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration  
and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:

[REDACTED]

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, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial application was denied by the Director, Vermont 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 record reveals that the applicant filed a TPS application during the initial registration period under CIS receipt number EAC 02 203 51411. The Director, Vermont Service Center, denied that application on June 6, 2003, due to abandonment, because the applicant failed to respond to the director's request for evidence. The applicant filed a motion to reopen on July 7, 2003. The director dismissed the motion on January 21, 2004. The applicant then filed an appeal dated April 9, 2004. The director terminated the appeal on July 6, 2004, because the January 21, 2004, decision could not be appealed. Counsel for the applicant filed a motion to reopen the director's June 6, 2003, decision. The director dismissed the applicant's motion as being untimely (beyond 33 days) filed.

However, the record reveals that the applicant subsequently submitted documentation sufficient to establish his continuous residence and continuous physical presence in the United States from February 13, 2001, to the time of filing. The applicant submitted a letter of employment from [REDACTED] copies of pay stubs issued by that company to the applicant, and personal income tax records also issued to the applicant by the same company, that demonstrate his residence and presence in the United States as described in 8 C.F.R. §§ 244.2(b) and (c).

Since the applicant appears to have overcome the grounds for the denial of his initial application for TPS, that decision has been withdrawn. The record of proceedings contains sufficient evidence to establish the applicant's eligibility for TPS and does not reflect any other grounds that would bar the applicant from receiving TPS. Therefore, 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.

**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.