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Washington, DC 20529



U.S. Citizenship  
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Services

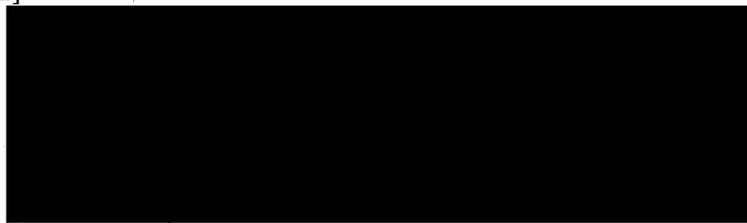
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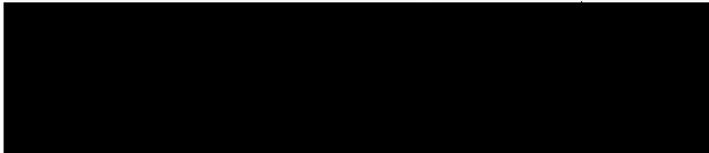
FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE: DEC 18 2007  
[SRC 01 176 55410]  
[WAC 05 131 72052]

IN RE: Applicant:



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 application was denied by the Director, Texas Service Center (TSC). The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office (AAO), 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 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 01 176 55410. The director denied the initial application on February 2, 2004, after determining that the applicant had abandoned his application by failing to reply to a request for evidence.

However, the record of proceeding reveals that the director's decision was in error. Specifically, the record reveals that on September 22, 2003, the applicant was requested to establish his continuous residence in the United States since February 13, 2001, and to submit photo identification. The TSC director denied the application on February 2, 2004, after determining that the applicant had abandoned his application by failing to respond to a request for evidence. There is no appeal from a denial due to abandonment; however, the applicant could have filed a motion to reopen within 30 days of the date of the denial notice. The record does not reflect that the applicant filed a motion within the allotted timeframe. However, on February 19, 2004, the applicant provided evidence of his continuous residence in the United States since February 13, 2001, and a copy of his passport.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 8, 2005, and indicated that he was re-registering for TPS.

The Director, California Service Center, 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.

The record of proceeding shows that the applicant submitted his initial TPS application on April 13, 2001. The applicant subsequently submitted as evidence: copies of his El Salvadoran passport, Florida Driver's License, school records, immunization records, and personal income tax documents, all dated from 2000 to 2003. The record 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 Texas Service Center 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 TPS 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.