



U.S. Citizenship  
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Services

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FILE: [REDACTED]  
[SRC 02 251 55555]  
[WAC 05 204 78667]

Office: CALIFORNIA SERVICE CENTER

Date: **JAN 23 200**

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 the California Service Center. Any further inquiry must be made to that office.

*Cindy N. Gomez*

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 (CSC), 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 02 251 55555. The Texas Service Center director denied the initial application due to abandonment on March 20, 2004, after determining that the applicant had failed to respond to a request for additional evidence in which she was asked to submit photo identification. Because the application was denied due to abandonment there was no appeal available; however, the applicant could have filed a motion to reopen within 33 days from the date of the denial decision. The applicant did not file a motion to reopen.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 22, 2005, and indicated that this was an application for re-registration or extension of TPS benefits. With her application, the applicant submitted photocopies of: her State of Texas Identification Card; Social Security card; prior employment authorization documents (EAD) under Category C19; immunization records dated in 1999, 2000, and 2001; Dallas Independent School District Transcripts for the years 1999 through 2005; and, other school related health and testing results dated between 1999 and 2005.

The director denied this application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

On appeal, the applicant states that she has sufficient evidence to establish her eligibility for TPS. In support of the appeal, the applicant resubmits the additional evidence she had submitted with her current TPS application.

The CSC director denied the current application because the initial application had been denied. However, the record of proceedings reveals that the applicant submitted the required photo identification, in the form of her State of Texas Identification Card. This form of identification in combination with her previously submitted birth certificate, with English-language translation, meets the requirements for establishing nationality and identity under the provisions of 8 C.F.R. § 244.9(a)(1). Therefore, the applicant has overcome the sole ground for denial as stated in the denial of her initial TPS application.

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 approved. The appeal is sustained.