

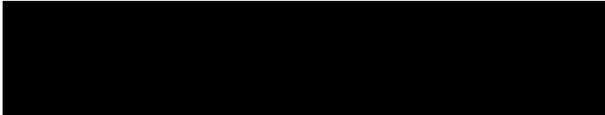


U.S. Citizenship  
and Immigration  
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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: **JUL 10 2007**  
[WAC 05 208 86908 as it relates to LIN 03 280 50309 and LIN 01 153 52048]

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

*Cindy N. Gomez for*  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial application was denied by the Director, Nebraska Service Center (NSC). A subsequent application for re-registration was also denied by the Director, NSC, and is currently before the Administrative Appeals Office on appeal. An additional application for re-registration was also denied by the Director, California Service Center (CSC). The case will be *sua sponte* reopened, the applications will be approved and the appeal will be sustained.

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 record reveals that the applicant filed a Form I-821, Application for Temporary Protected Status, during the initial registration period under receipt number LIN 01 153 52048. The Director, NSC, denied that application on August 30 2001, because "No proof of residence since February 13 or March 9, 2001 were submitted. Also, the copy of the identity document, which is enclosed, is a laminated copy. It does not appear to be a genuine government issued identity document."

The applicant filed a subsequent Form I-821 on September 29, 2003, and indicated that she was re-registering for TPS. The Director, NSC, denied the re-registration application after determining that the applicant had failed to establish she was eligible for late initial registration. She filed an additional Form I-821 on April 26, 2005, and again indicated that she was re-registering for TPS. The Director, CSC, denied the second 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.

If the applicant is filing an application(s) as a re-registration, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

In this case, the applicant has not previously been granted TPS because the copy of the identity document submitted by the applicant did not appear to be a genuine government issued identity document. In response to the NSC Director's November 20, 2003 Intent to Deny, the applicant submitted a copy of her Republic of El Salvador passport which verifies that her "Carnet De Identificacion Personal," (National Identification Card), No. [REDACTED] that she forwarded with her initial submission was a genuine government issued identity document. Additionally, the record contains sufficient evidence to establish that she has satisfied the continuous residence and continuous physical presence requirements. Therefore, the first denial of the application has been overcome.

The director's denials of the applications for re-registration or renewal are dependent upon the adjudication of the initial application. Since the initial application is being approved, the appeal from the denial of the first re-registration will be sustained, that application will also be approved. Her second re-registration application is approved as well.

An alien applying for temporary protected status has the burden of proving that he or she meets all requirements and is eligible under the provisions of section 244 of the Act. The applicant has met this burden.

**ORDER:** The denial of the initial application is withdrawn, the applications are approved, and the appeal for the re-registration application is sustained.