



U.S. Citizenship
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Services

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[REDACTED]

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: JUL 31 2007
[WAC 05 223 84683 as it relates to SRC 01 216 56154]

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 office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was 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 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 applicant filed an initial application Form I-821, Application for Temporary Protected Status, on May 22, 2001, under receipt number SRC 01 216 56154. The TSC Director denied the initial application on December 9, 2002, after determining that the applicant had abandoned her application by failing to respond to a request for evidence.

The applicant filed a subsequent Form I-821 on May 11, 2005, and indicated that she was re-registering for TPS.¹

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.

If the applicant is filing an application 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 the TSC Director's Request for Additional Information (RFE) dated August 30, 2002, she requested that the applicant submit identification documentation, evidence of continuous residence in the United States since February 13, 2001, and evidence of continuous physical presence in this country from March 9, 2001.

A list of the evidence submitted by the applicant satisfying the RFE is shown below:

1. A copy of the applicant's Republic of El Salvador passport.
2. A copy of a Florida birth certificate showing that her son was born on December 30, 2001 in that State.
3. A copy of the applicant's 2001 Internal Revenue Service (IRS) Form 8453, U.S. Individual Income Tax Declaration for an IRS e-file return.
4. Copies of the applicant's 2002, 2003, and 2004 IRS Forms 1040, U.S. Individual Income Tax Returns.
5. A copy of a letter dated July 31, 2003, from [REDACTED] stating that the applicant had been living in her property in Fort Lauderdale, Florida since August 1999.

¹ The applicant also filed a TPS re-registration application in 2002.

6. Copies of the applicant's Florida Automotive Insurance Identification Card showing an effective date of August 30, 2002.
7. Copies of the applicant's Washington Mutual checking account for the periods from October 25, 2001 thru November 27, 2001 and October 25, 2002 thru November 26, 2002.
8. The applicant's North Broward Hospital District Primary Health Care Referral Form dated June 7, 2002.
9. A document showing the applicant had a health examination in Delray Beach, Florida on April 3, 2002.
10. A copy of the applicant's State of Florida Certificate of Title for an automobile issued September 12, 2001.
11. A copy of the applicant's approval form dated February 17, 2001, from the State of Florida Department of Children and Families showing that her application for Medicaid for Infants had been approved.
12. A copy of the applicant's Medicaid Notice of Case Action from the Florida Department of Children & Families dated February 27, 2001. The Notice indicates that she had filed an application for Medicaid for infants on January 9, 2001, and that it had been approved for the periods of January 1, 2001 through January 31, 2001, February 1, 2001 through February 28, 2001, and then beginning again on March 1, 2001.

It is determined that the applicant has submitted sufficient identification documentation, evidence of continuous residence in the United States since February 13, 2001, and evidence of continuous physical presence in this country from March 9, 2001, to satisfy the requirements for TPS. The record does not reflect any grounds that would bar her applicant from receiving the benefit. Therefore, the application is 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 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 appeal for the re-registration application is sustained, and both applications are approved.