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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE:

Office: CALIFORNIA SERVICE CENTER

Date: JUN 04 2007

[WAC 05 220 70148 as it relates to SRC 01 162 56610 and SRC 03 056 53693]

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: 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 M. Gomez for
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application and a motion to reopen were 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 appeal will be sustained and the previous TPS applications will be approved.

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 for TPS under receipt number SRC 01 162 56610. The TSC director denied the initial application on December 6, 2001, because the applicant had abandoned her application. The applicant filed a motion to reopen that was decided by the Director, TSC, on February 25, 2002. The director determined that although the applicant had submitted several documents showing she was present in 1992, 1996 and 1998, she had not provided any evidence that she was present in the United States in 2001, other than her Form I-821, Application for Temporary Protected Status.

The applicant filed subsequent applications.

The applicant filed the current application, [WAC 05 220 70148] on May 9, 2005, and indicated that she was re-registering for TPS.

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.

With her application for re-registration dated September 12, 2002 [SRC 03 056 53693], the applicant submitted copies of her rent receipts dated June 30, 2001 and August 30, 2001 for her residential rental unit in Florida. She also submitted copies of her Florida Power electric bills for service that she received for her rental residence in Ocala, Florida, for the periods from January 30, 2001 to February 27, 2001 and from October 29, 2001 to November 29, 2001, and a copy of her Florida Driver's License issued to her on August 8, 2000.

The applicant has furnished sufficient evidence to establish her continuous residence and continuous physical presence during the requisite time periods. 8 C.F.R. § 244.2 (b) and (c). Therefore, the application shall 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 above requirements and is eligible under the provisions of section 244 of the Act. The applicant has met this burden.

ORDER: The initial 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. The appeal is sustained.