



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER Date: JUN 06 2007
[WAC 05 291 70352 as it relates to WAC 01 170 53527]

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 re-registration application was denied by the Director, California Service Center, and is currently before the Administrative Appeals Office (AAO) on appeal. The re-registration application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office. The appeal will be sustained and the applications will be approved.

The applicant is a native and citizen of El Salvador who was granted Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254, on June 9, 2003.

The applicant filed the current TPS application on July 18, 2005, and indicated that he was re-registering for TPS.

On February 8, 2006, 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.

The record of proceedings reveals that the applicant filed an initial TPS application on April 2, 2001, under receipt number WAC 01 170 53527. On January 8, 2004, the applicant was requested to submit additional evidence establishing his identity. The applicant failed to respond within the twelve-week timeframe; therefore, the director denied the application on May 6, 2004, after determining that the applicant had abandoned his application by failing to submit documentation regarding his identity. 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.

On appeal, the applicant states he had previously applied for TPS during the initial registration period, and that his mother has been granted TPS. With his appeal, the applicant includes a copy of his California Identification Card and evidence that his mother has been approved for TPS. Additionally, a review of his mother's file [REDACTED], under [REDACTED] indicates that the applicant was residing with her in the United States during the requisite timeframes.¹

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.

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. The appeal is sustained.

¹ It is noted that the applicant was born in 1997.