



U.S. Citizenship  
and Immigration  
Services

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[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date: MAY 02 2007

[WAC 05 228 76925 as it relates to  
LIN 03 020 50874 and LIN 01 220 53588]

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:

[REDACTED]

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.

*Cindy N. Horn*

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center (CSC), and is now before the Administrative Appeals Office (AAO) on appeal. The Temporary Protected Status (TPS) application will be approved and the appeal will be sustained.

The applicant is a citizen of El Salvador who is seeking 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 first TPS application during the initial registration period under receipt number LIN 01 220 53588. The Director, Nebraska Service Center (NSC) denied the application on January 28, 2002, due to abandonment because the applicant failed to respond to a request for evidence in connection with the application. On September 10, 2002, the applicant filed a second TPS application under receipt number LIN 03 020 50874. The NSC director denied the application on June 19, 2003, because the applicant failed to establish he was eligible for late registration. The applicant filed an appeal from the denial of his application. The NSC director treated the appeal as a motion to reopen and approved the applicant's TPS on August 25, 2003.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 16, 2005, and indicated that he was re-registering for TPS. The director denied the re-registration application on August 16, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. The applicant filed his current appeal from that decision on August 31, 2005.

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.

On appeal, counsel states that he needs an additional 120 days to submit a brief and/or evidence to the AAO as he has requested information through the Freedom of Information Act regarding his client's record.

In this case, the applicant has previously been granted TPS. As stated above, the NSC director approved the second TPS application. Therefore, he is eligible to re-register for TPS. Consequently, the CSC director's decision to deny the re-registration application is withdrawn, the TPS application is approved and the appeal is sustained.

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. Here, the applicant has met the burden.

**ORDER:** The director's decision is withdrawn, and the appeal is sustained.