



U.S. Citizenship
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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **MAY 22 2007**

[WAC 05 207 84722 as it relates to SRC 01 193 64275]

IN RE:

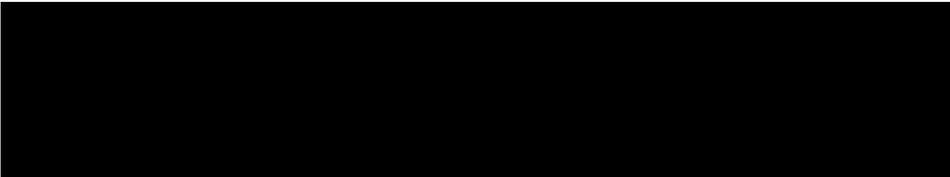
Applicant:



APPLICATION:

Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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.

Robert P. Wiemann

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was approved 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 (AAO) on appeal. The appeal will be sustained, and the application 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 # SRC 01 193 64275, that was approved by the director on January 16, 2003.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 25, 2005, and indicated that he 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. However, as indicated above, his initial application for TPS had been approved.

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.

When making his initial decision to approve the applicant's TPS, the TSC director relied upon the applicant's pay slips for employment in the United States dating back to August 12, 2000, his claim that he arrived in this country on December 28, 1999, and exit stamps in his El Salvadoran passport showing he departed that country on November 26, 1999. After the initial approval, the applicant submitted other documentation including a copy of his Form W-2, Wage and Tax Statement, for wages he earned in 2000 and a copy of his Social Security Statement dated May 27, 2005 showing that he earned taxed Social Security earnings from 2000 through 2004. It is determined that the applicant has satisfied all eligibility requirements for TPS. Therefore, the appeal will be sustained and his application shall remain approved.

It is noted that several documents issued by the CSC director and submissions by counsel contain an incorrect A number, [REDACTED]. The proper A number is [REDACTED].

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 appeal is sustained.