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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: [REDACTED]
[SRC 01 214 53129]
[WAC 05 161 71933]

Office: CALIFORNIA SERVICE CENTER

Date: **NOV 06 2007**

IN RE: Applicant:

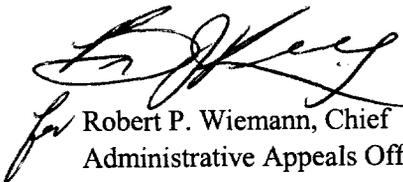
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APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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.


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Texas Service Center. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office, and the application will be approved. 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 will be approved.

The applicant is a 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 his initial application for TPS under receipt number SRC 01 214 53129 on May 14, 2001. On January 27, 2003, the Director, Texas Service Center (TSC), requested the applicant to submit a copy of his photo identification. On March 29, 2003, the TSC director denied the initial application after determining that the applicant had failed to respond to the January 27, 2003, request for evidence. The applicant filed a motion to reopen on January 29, 2004, which was approved by the TSC director on March 10, 2004.

On August 14, 2003, the applicant filed a subsequent TPS application under receipt number SRC 03 226 53373. That application was approved and the applicant was granted TPS on March 10, 2004.

The applicant filed the instant Form I-821, Application for Temporary Protected Status, on March 10, 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.

On appeal, the applicant states that he does understand why his application was denied. The applicant also submits copies of his El Salvadoran passport along with additional evidence in support of his eligibility for TPS.

A review of the record of proceedings reveals that the applicant has provided sufficient evidence to establish his identity and that he is a citizen of El Salvador. In addition, the record contains sufficient evidence to establish his qualifying continuous residence and continuous physical presence in the United States. Further, the record 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.

It is noted that the applicant was ordered deported from the United States on July 14, 1986.

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.