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FILE:

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OFFICE: CALIFORNIA SERVICE CENTER

DATE:

[WAC 05 207 78168 as it relates to LIN 01 173 52123 and LIN 02 216 50379]

IN RE:

Applicant:

[REDACTED]

APPLICATION:

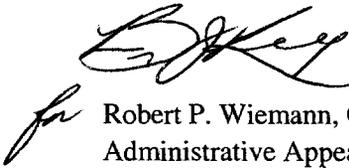
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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 California Service Center. Any further inquiry must be made to that office.



Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's initial TPS application was denied by the Director, Nebraska Service Center. 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 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 director denied the re-registration application after determining that the applicant had not been previously approved for TPS.

On appeal, counsel asserts the applicant's eligibility for TPS.

The record of proceedings shows that the applicant filed an initial application for TPS on May 11, 2001, under CIS receipt number LIN 01 173 52123. The Director, Nebraska Service Center, denied the TPS application on March 20, 2002, due to abandonment, because the applicant failed to respond to the director's request for evidence. The applicant was informed that she had 33 days from the date of the decision to file an appeal. The applicant failed to respond to the director's decision. The applicant filed another TPS application on June 5, 2002, under CIS receipt number LIN 02 216 50379 in CIS file A94 231 760. The Director, Nebraska Service Center, approved the TPS application on August 27, 2002.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 25, 2005, and indicated that she was re-registering for TPS.

The director denied the re-registration application noting that the applicant's initial TPS application had been denied and the applicant was therefore not eligible to apply for re-registration for TPS.

However, as stated above, the applicant's TPS application, CIS receipt number LIN 02 216 50379, was approved on August 27, 2002.

Therefore, the appeal from the denial of the re-registration will be granted and that application will be approved.

An alien applying for TPS 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. The applicant has met this burden.

ORDER: The applicant's re-registration application is approved. The appeal is sustained.