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U.S. Citizenship
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[REDACTED]

FILE:

Office: CALIFORNIA SERVICE CENTER

NOV 06 2007
Date:

[WAC 05 223 81835 as it relates to SRC 01 217 56098]
[Appeal Numbers WAC 06 027 51652 and WAC 06 067 50465]

IN RE:

Applicant:

[REDACTED]

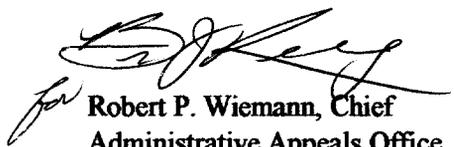
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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.


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied 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 on appeal. The case will be *sua sponte* reopened, the applications will be approved and the appeal will be sustained.

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 Form I-821, Application for Temporary Protected Status, on May 22, 2001, under receipt number SRC 01 217 56098 which was denied by the TSC Director on May 24, 2004, because the applicant had abandoned her application by failing to submit the original or a copy of her El Salvadoran passport or nationality identity card.

It is noted that the applicant filed a subsequent Form I-821 on May 11, 2005, and indicated that she was re-registering for TPS.

The CSC 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 applicant filed two appeals to that determination. This decision incorporates both of the appeals.

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.

As stated above, the director denied the initial application after determining the applicant had failed to submit the original or a copy of her El Salvadoran passport or nationality identity card. On appeal, the applicant submits a copy of her El Salvadoran passport.

The applicant has satisfied all other eligibility requirements for TPS. Therefore, the application is 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.

It is also noted that in removal proceedings held on May 15, 1996, an Immigration Judge ordered the applicant deported "in absentia" to El Salvador. It is further noted that the record contains an outstanding Form I-205, Warrant of Removal/Deportation, issued by the District Director of the Houston Texas, office of U.S. Citizenship and Immigration Services, (formerly, the Immigration and Naturalization Service) on July 29, 1996.

An alien applying for temporary protected status has the burden of proving that he or she meets all requirements and is eligible under the provisions of section 244 of the Act. The applicant has met this burden.

ORDER: The denial of the initial application is withdrawn, the appeal for the re-registration application is sustained, and both applications are approved.