



U.S. Citizenship
and Immigration
Services

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ML

[REDACTED]

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER
[WAC 05 361 70819 as it relates to SRC 01 182 55468]

Date: NOV 15 2007

IN RE: Applicant: [REDACTED]

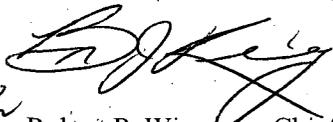
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration
and Nationality Act, 8 U.S.C. § 1254

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 April 16, 2001, under receipt number SRC 01 182 55468 which was denied by the TSC Director on March 10, 2004, because the applicant had abandoned her application by failing to supply photo identification such as a photocopy of her state driver's license, passport or national identity card.

The applicant filed a subsequent Form I-821 on September 26, 2005, and indicated that she was filing an application for late registration based upon her marriage to a TPS registrant. In support of her application, she submitted a State of Texas marriage license showing that she married [REDACTED] on May 26, 2002, in Dallas County, Texas. She also submitted a copy of her Republic of El Salvador passport issued to her on May 4, 2005 in Dallas, Texas. [REDACTED]'s file reflects that he filed his initial Form I-821 on April 16, 2001 and that it was approved on November 21, 2003. To date, he remains approved for El Salvadoran TPS.

The director denied the late initial registration application because the date of the marriage, May 26, 2002, is after the date of the initial designation for temporary protected status to El Salvador, which is March 9, 2001.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant may apply for TPS during the initial registration period, or:

- (f) (2) During any subsequent extension of such designation if at the time of the initial registration period:
 - (i) The applicant is a nonimmigrant or has been granted voluntary departure status or any relief from removal;
 - (ii) The applicant has an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;
 - (iii) The applicant is a parolee or has a pending request for reparole; or
 - (iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.

- (g) Has filed an application for late registration with the appropriate Service director within a 60-day period immediately following the expiration or termination of conditions described in paragraph (f)(2) of this section.

The initial registration period for El Salvador was from March 9, 2001 through September 9, 2002. The applicant was married to Mr. [REDACTED] on May 26, 2002. Therefore, at the time of the initial registration period, the applicant was the spouse of an alien who was eligible to be a TPS registrant.

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.

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.