



U.S. Citizenship
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Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

NOV 29 2007
Date:

[WAC 05 189 76482]
[EAC 03 251 54586]
[EAC 03 092 50997]

IN RE:

Applicant:



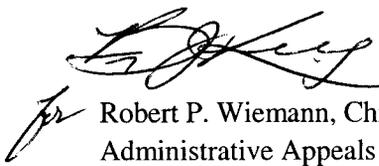
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's TPS application was approved by the Director, Vermont 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 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 record of proceedings shows that the applicant filed her appeal on September 21, 2005, which is beyond the 33 days allowed to file an appeal. Therefore, the AAO will reject it as an appeal and treat it as a motion to reopen.

The applicant filed an initial application for TPS on January 27, 2003, under receipt number EAC 03 092 50997. The Vermont Service Center terminated the initial application on September 17, 2003, noting on the application "case terminated status acquired by other means." The applicant filed another TPS application under receipt number EAC 03 251 54586 on September 8, 2003, which was approved by the Vermont Service Center on September 17, 2003.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 7, 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 that therefore the applicant was not eligible to apply for re-registration for TPS.

However, the record reveals that the applicant was approved for TPS on September 17, 2003, under receipt number EAC 03 251 54586.

Since the applicant has overcome the sole ground for the denial of her re-registration application, that decision has been withdrawn. The record of proceedings contains sufficient evidence to establish the applicant's eligibility for TPS, and does not reflect any other grounds that would bar the applicant from receiving TPS. Therefore, the motion from the denial of the re-registration will be granted and that TPS 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 motion is granted and her re-registration application is approved.