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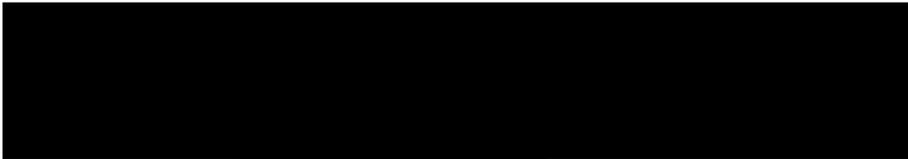
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



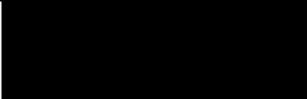
U.S. Citizenship
and Immigration
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: FEB 15 2008

[WAC 05 137 71839 as it relates to
EAC 01 185 52530]

IN RE:

Applicant:

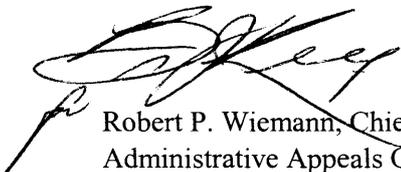


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration
and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT: 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.


Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, California Service Center (CSC). The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office (AAO), and the application will be approved. A subsequent application for re-registration was denied by the CSC and is currently before the AAO on appeal. The appeal will be sustained. The decision will be withdrawn, and the application will be approved.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 a first Form I-821, Application for Temporary Protected Status, with the Vermont Service Center (VSC) on April 20, 2001 – during the initial registration period for nationals of El Salvador (EAC 01 185 52530 relates). On February 27, 2002, that application was denied by the director of the VSC due to abandonment because the applicant failed to appear for a fingerprinting appointment required in connection with her application.¹ The applicant submitted a motion to reopen the director's decision on March 22, 2003. The motion was dismissed as untimely filed on October 2, 2003.

The applicant filed another Form I-821 on January 25, 2005 (WAC 05 137 71839 relates), and indicated that she was re-registering for TPS. The director of the CSC denied the application on July 28, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to re-register for TPS. The applicant filed the current appeal from that decision on September 1, 2005.

It is noted that the applicant was apprehended entering the United States without inspection on June 29, 1997 (relates). On August 11, 1998, the applicant withdrew an application for asylum and withholding of removal in proceedings before an Immigration Judge (IJ). The IJ granted the applicant voluntary departure until December 9, 1998, with an alternate order of removal to El Salvador.

Based on the documentation contained in the record, including, but not limited to: alien registration file (relates) the applicant's timely-filed initial Form I-821; photocopies of her El Salvadoran birth certificate, with English translation; the biographic page from her El Salvadoran passport (issued in Washington, D.C., in March 2001); her marriage certificate (showing marriage in the United States in March 2001); and, her children's birth certificates (dated September 2001 and October 2003), the applicant has established her continuous residence in the United States since February 13, 2001, and her continuous physical presence in the United States since March 9, 2001, as required for TPS applicants from El Salvador under 8 C.F.R. § 244.2(b) and (c). She has also submitted sufficient evidence to establish her nationality and identity, as required under the provisions of 8 C.F.R. § 244.9(a)(1). There are no known grounds of ineligibility for TPS, or inadmissibility to the United States. Therefore, the decision of the VSC director's to deny the initial application will be withdrawn, and the application will be approved.

The CSC director's denial of the subsequent application for re-registration of TPS 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 application will be sustained.

¹ There is no copy of the notice of denial contained in the record of proceedings.

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 that burden.

ORDER: The initial application [EAC 01 185 52530] is reopened, *sua sponte*. The VSC director's denial decision, dated May 14, 2002, is withdrawn, and the application is approved.

The appeal from the CSC director's decision, dated July 28, 2005, denying the applicant's re-registration application [WAC 05 137 71839], is sustained. The decision is withdrawn, and the application is approved.