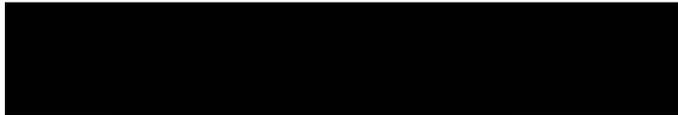




**U.S. Citizenship
and Immigration
Services**

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prevent clearly unwarranted
invasion of personal privacy

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **FEB 26 2008**

[WAC 05 19772323]

INRE:

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 application was denied by the Director, Texas Service Center. A subsequent appeal was sustained by the Director, Administrative Appeals Office (AAO). A subsequent application for re-registration was denied by the Director, California Service Center, and is currently before the AAO on appeal. The matter is now before the AAO on a motion to reopen. 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 applicant filed an initial application for TPS under receipt number SRC 01 19756730. The director denied the application after determining that the applicant failed to establish he had: 1) continuously resided in the United States since February 13, 2001; and 2) been continuously physically present in the United States since March 9, 2001.

Upon review of the record of proceeding, the AAO withdrew the director's decision and sustained the appeal on April 12, 2006.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 15, 2005, and indicated that he was re-registering for TPS.

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

However, the record of proceedings reveals that the director's denial of the initial application was withdrawn and approved by the AAO.

The record of proceedings contains sufficient evidence to establish the applicant's eligibility for TPS and does not reflect any grounds that would bar the applicant from receiving TPS. Therefore, the director's decision will be withdrawn and the initial application will be 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 was approved, the appeal from the denial of the re-registration will be sustained and that application will also be approved.

The burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by Citizenship and Immigration Services (CIS). 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof, the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b). Here, the applicant has met that burden.

ORDER: The application is reopened and the re-registration application is approved. The appeal is sustained.