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U.S. Citizenship
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[REDACTED]

JAN 30 2008

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date:

[WAC 05 210 79996]

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center (CSC), and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

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 reveals that the applicant filed a first TPS application during the initial registration period under Citizenship and Immigration Services (CIS) receipt number SRC 01 152 64516. The Director, Texas Service Center (TSC), denied the application on April 17, 2003, due to abandonment because the applicant failed to respond to a Notice of Intent to Deny requesting additional evidence. On September 9, 2002, the applicant filed a second TPS application during the initial registration period under CIS receipt number SRC 02 268 51163. The application was approved by the TSC director on July 15, 2003.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 28, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application on August 16, 2005, 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 his current appeal from that decision on September 8, 2005.

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.

On appeal, the applicant asserts that he entered the United States on or about May 3, 2000. He also submits copies of documents that had been previously entered into the record to support his claim.

In this case, the applicant has previously been granted TPS. As stated above, the TSC director approved his second TPS application filed during the initial registration period. Therefore, he is eligible to re-register for TPS. Consequently, the CSC director's decision to deny the re-registration application will be withdrawn.

An alien applying for temporary protected status 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. As the director did not raise any other basis for denial, the appeal will be sustained.

ORDER: The appeal is sustained.