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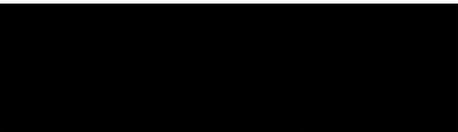


U.S. Citizenship
and Immigration
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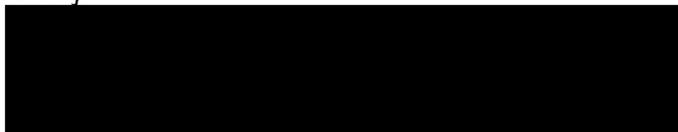


OFFICE: CALIFORNIA SERVICE CENTER DATE: **JAN 30 2008**

[WAC 05 225 92798]

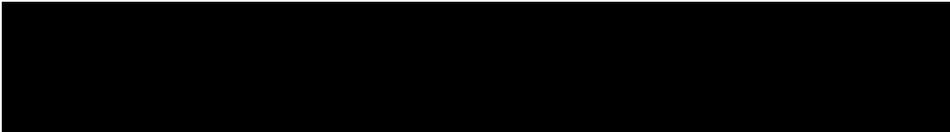
IN RE:

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 application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office 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 applicant filed his initial TPS application during the initial registration period under Citizenship and Immigration Services (CIS) receipt number WAC 01 277 58559. The director denied that application on July 13, 2004, because he found that the applicant had failed to submit requested court documentation relating to his criminal record. On August 5, 2004, the applicant filed an appeal from the denial decision. The Chief of the AAO withdrew the director's decision and sustained the appeal, finding that the applicant had provided the final court disposition of his arrest. The Chief of the AAO further found that the applicant's arrest and/or conviction does not constitute a conviction for immigration purposes because the applicant was a 13-year-old minor at the time of his arrest, and his hearing was held in juvenile court.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 18, 2005, and indicated that he was re-registering for TPS or renewing his temporary treatment benefits.

The director denied the application on February 21, 2006, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration or renewal of his temporary treatment benefits.

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. If an applicant is applying for renewal of temporary treatment benefits, he or she must have a pending TPS application.

In this case, the Chief of the AAO has withdrawn the denial of the applicant's initial TPS application and sustained his appeal. Therefore, the applicant is eligible to re-register for TPS or to renew his temporary treatment benefits. Consequently, the director's decision to deny the application will be withdrawn and the appeal will be sustained.

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 appeal is sustained.