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



U.S. Citizenship
and Immigration
Services

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M

[REDACTED]

FILE: [REDACTED]
[WAC 0520871678]

OFFICE: California Service Center DATE: JUN 09 2008

INRE: Applicant: [REDACTED]

APPLICANON: 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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Texas Service Center. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office, and the application will be approved. 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 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 record reveals that the applicant filed a TPS application on January 4, 2002, under Citizenship and Immigration Services (CIS) receipt number SRC 02 075 54680. The Director, Texas Service Center, denied that application on February 13, 2003, due to abandonment after determining that the applicant had abandoned her application by failing to respond to a January 9, 2003 Notice of Intent to Deny, requesting that the applicant submit photo identification.

The applicant filed the current TPS application on February 24, 2005, under CIS receipt number WAC 05 208 71678, and indicated that she was re-registering for TPS. The Director, California Service Center, denied the re-registration application on August 16, 2005 because the applicant's initial TPS application had been denied and she was not eligible for re-registration.

On appeal, the applicant has now submitted a copy of her Salvadoran passport, establishing her nationality and identification. In addition, it is noted that the envelope containing the January 9, 2003 Notice of Intent to Deny does not clearly show the address to which it was mailed; therefore, it was returned to CIS as undeliverable.

The record contains sufficient evidence establishing the applicant's eligibility for TPS and does not reflect any grounds that would bar the applicant from receiving TPS. There are no other known grounds of ineligibility; 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 is being approved, the appeal from the denial of the re-registration will be sustained and that application will also be approved. The applicant is eligible for employment authorization under 8C.F.R. § 274a.12(a)(12).

ORDER: The application is reopened and the director's denial of the initial application is withdrawn. The initial application and the re-registration application are both approved.