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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

PUBLIC COPY

[REDACTED]

FILE:

[REDACTED]

Office: VERMONT SERVICE CENTER

Date:

MAR 10 2008

[REDACTED] - consolidated herein]

[EAC 04 19652323]

[EAC 02 066 50551]

INRE:

Applicant:

[REDACTED]

APPLICATION:

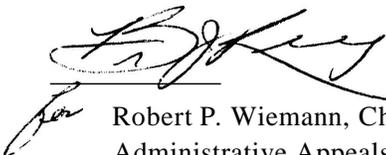
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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 office that originally decided your case. 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, Vermont Service Center (VSC). 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, VSC, 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 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 Immigration and Naturalization Service (INS), now Citizenship and Immigration Services (CIS), on December 12, 2001, during the initial registration period (EAC 02 066 50551 relates). That application was denied on June 3, 2003, due to abandonment because the director determined that the applicant had failed to respond to a request for evidence, dated February 25, 2003, to establish his identity and nationality. The record of proceedings reveals that the director's decision was in error. Specifically, the record reveals that CIS records already contained a photocopy of the applicant's El Salvadoran passport.

The applicant filed the current Form I-821 on June 14, 2004, indicating that he was re-registering for TPS or renewing his temporary treatment benefits.¹ The director determined that the applicant had failed to establish his eligibility for late registration and denied the application, as an initial application for TPS, on February 7, 2005.

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 to deny the applicant's first Form I-821 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 8 C.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.

¹ The applicant had previously filed an application for annual re-registration for TPS or renewal of temporary treatment benefits on November 5, 2002 (EAC 03 071 54778 relates). That application was denied on June 30, 2003, because the applicant's initial Form I-821 had been denied.