



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
[WAC 05 196 73082]

Office: CALIFORNIA SERVICE CENTER

Date: APR 25 2007

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 office that originally decided your case. Any further inquiry must be made to that office.

Cindy M. Gomez for
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application for Temporary Protected Status (TPS) was denied by the Director, Nebraska Service Center (NSC). The case was then reopened and approved. Another TPS application was denied, then reopened and approved by the Director, NSC. A subsequent application for re-registration was denied by the Director, California Service Center (CSC), and is currently before the Administrative Appeals Office (AAO) on appeal. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office. The TPS applications will be approved and the appeal will be sustained.

The applicant is a citizen of El Salvador who is seeking 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 during the initial registration period on September 14, 2001 under Citizenship and Immigration Services (CIS) receipt number LIN 01 266 54515. The Director, Nebraska Service Center, denied that application for abandonment on June 20, 2002, because the applicant failed to respond to a request for evidence to establish her date of entry, continuous residence and continuous physical presence in the United States during the qualifying period. There is nothing in the record to indicate that the applicant filed a motion to reopen the director's decision.

The applicant submitted a subsequent TPS application on January 21, 2003 under CIS receipt number LIN 03 091 50526. The Director, NSC, denied that application on June 23, 2003, because the applicant failed to establish her qualifying continuous residence and continuous physical presence in the United States during the requisite periods. On July 28, 2003, the applicant filed an appeal from the denial decision that was treated as a motion to reopen. On August 25, 2003, the Director, NSC, granted the motion to reopen and approved the application. Another TPS application was denied in error, then reopened and approved on November 4, 2003 by the Director, NSC.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 14, 2005, and indicated that she was re-registering for TPS.

The Director, CSC, 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.

However, the record of proceedings reveals that the CSC director's decision was in error. Specifically, the record reveals that, as discussed above, the applicant's initial TPS application was approved on August 25, 2003, and another TPS application was approved on November 14, 2003.

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.

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. The appeal is sustained.