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U.S. Citizenship
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Services

MI

[REDACTED]

FILE: [REDACTED]

Office: CALIFORNIA SERVICE CENTER
[WAC 05 210 73128 as it relates to SRC 01 197 56695]

Date: JUN 06 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 California Service Center. Any further inquiry must be made to that office.

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

DISCUSSION: The initial application and a second application were denied by the Director, Texas Service Center (TSC). 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 case will be *sua sponte* reopened, the appeal will be sustained and the applications 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 applicant filed her first Form I-821, Application for Temporary Protected Status, during the initial registration period for TPS on April 24, 2001, under receipt number SRC 01 197 56695. The Director, TSC denied the application on June 3, 2002, because the applicant had abandoned her application by failing to supply photo identification such as a photo copy of her national identification card.

The applicant filed subsequent applications that were denied on December 31, 2002, and January 17, 2003, but both were sent to addresses that were incorrect in some manner, i.e., no apartment number.

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

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

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.

The record contains a copy of the applicant's national identification card from El Salvador and has contained this identification since the date she was first encountered by the United States Border Patrol in 1998, when she first entered the United States at or near Del Rio, Texas. Therefore, the application was denied in error.

It is also noted that the applicant was ordered removed from the United States in absentia by an Immigration Judge in San Antonio, Texas, on September 2, 1998, and that a final order of removal based on this order was issued on September 23, 1998. In addition, a Form I-601, Application for Waiver of Ground of Excludability, was filed on June 25, 2002, remains adjudicated in the record.¹

The applicant has satisfied all other eligibility requirements for TPS. The case is *sua sponte* reopened, the appeal is sustained and the applications are approved.

¹ However, since it has no bearing on the applicant's eligibility for TPS, it is not necessary to adjudicate that application at this time.

An alien applying for temporary protected status has the burden of proving that he or she meets the above requirements and is eligible under the provisions of section 244 of the Act. The applicant has met this burden.

ORDER: The appeal is sustained.