



U.S. Citizenship
and Immigration
Services

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NOV 29 2007

FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

[EAC 02 268 51939]
[WAC 05 222 82470]

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:

SELF-REPRESENTED

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Vermont Service Center. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office (AAO), 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 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 record of proceedings shows that the applicant filed an application for TPS during the initial registration period under CIS receipt number EAC 02 268 51939. The Director, Vermont Service Center, denied the initial application on February 15, 2005, after determining that the applicant had failed to submit sufficient evidence to establish her continuous residence and continuous physical presence in the United States during the requisite time periods.

The applicant filed her re-registration application on May 10, 2005, along with additional evidence.

The applicant initially submitted the following documentation:

1. A copy of a Washington Gas utility bill dated October 20, 2000, and bearing the applicant's name as customer;
2. A copy of a statement of account from JC Penney dated December 2, 2000, and bearing the applicant's name as account holder;
3. A copy of a utility bill from Pepco dated October 21, 2000, and bearing the applicant's name as account holder;
4. A letter from the Pastor of [REDACTED] in which he stated that the applicant has been an active member of the church since January 15, 2001;
5. A letter of employment from Tyson Company in which the shift supervisor stated that the applicant has been employed by the company since November 20, 2002;
6. A copy of a category detail report from [REDACTED] that demonstrates the applicant's rent history dated March 5, 2001 to April 5, 2003;
7. A copy of a customer account payment history bearing the applicant's name as customer and dated November 13, 2001 through May 2, 2002;
8. Copies of payment receipts from Rockingham Memorial Hospital and Rockingham Radiologists, LTD. bearing the applicant's name and dated August, November, and December of 2002;
9. A copy of the applicant's immunization record with a visit date of November 30, 1998;
10. A copy of a clinic appointment card dated July 3, 2001, and bearing the applicant's name as patient; and,
11. Copies of medical receipts from Harrisonburg OB/GYN Associates, P.C. dated August 3, 2002 and November 15, 2002, and bearing the applicant's name as patient.

On appeal of the re-registration denial, the applicant submits the following documentation:

12. Letters from four family members in which they state that the applicant and her family have been their neighbors at [REDACTED] Harrisonburg, Virginia, from the Winter of 2000 to the Fall of 2004;
13. A letter from the Central Shenandoah Health Department certifying that the applicant has been a patient at the Rockingham-Harrisonburg Health Department in Harrisonburg, Virginia since February 4, 2002; and,
14. A letter from Harrisonburg Pediatrics, P.C. in which [REDACTED], states that the applicant's daughter has been a patient in her office since March 5, 2001.

The applicant has submitted sufficient evidence to establish her continuous residence and continuous physical presence in the United States during the requisite time periods. Since the applicant has overcome the sole ground for the denial of her initial application for TPS, that decision has been withdrawn. The record of proceedings contains sufficient evidence to establish the applicant's eligibility for TPS and does not reflect any other grounds that would bar the applicant from receiving TPS. Therefore, 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.

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.