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U.S. Department of Homeland Security  
U. S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

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FILE:

Office: CALIFORNIA SERVICE CENTER

Date: APR 24 2009

[WAC 05 165 75136, as it pertains to  
WAC 02 287 51466]  
[WAC 05 165 75136, I-290B]

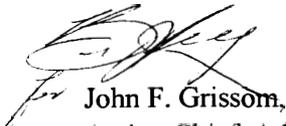
IN RE: Applicant:

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 Vermont Service Center. Any further inquiry must be made to that office.

  
John F. Grissom,  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The initial application was denied by the Director, California Service Center. A subsequent application was denied by the Director, California Service Center, and is currently before the AAO on appeal. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office (AAO). 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 reveals that the applicant filed a TPS application during the initial registration period on April 9, 2001, under receipt number WAC 01 173 54388. The Director, California Service Center, denied that application for abandonment on May 17, 2004, because the applicant failed to respond to a request for evidence to establish her nationality and identity, her continuous residence and her 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 filed a subsequent application for re-registration on August 7, 2002, under receipt number WAC 02 287 51466. The Director, California Service Center, denied that application on May 17, 2004, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. On September 1, 2005, the applicant filed a motion to reopen the denial decision of the application filed under receipt number WAC 02 287 51466. That motion will be addressed in a separate decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on March 4, 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. However, the record of proceedings reveals that the application filed under receipt number WAC 02 287 51466 was filed during the initial registration period.

On appeal, the applicant states that she responded to the initial request for additional evidence and that she qualifies for TPS. The applicant also submits evidence in an attempt to establish her qualifying continuous residence and continuous physical presence in the United States.

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 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 application 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).

The burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by U.S. Citizenship and Immigration Services (USCIS). 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof, the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b). The applicant has met that burden.

**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.