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U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

ENCLOSURE



M1

FILE:



OFFICE: California Service Center

Date:

NOV 02 2006

[WAC 05 161 79502]

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

Cindy N. Gomez for

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The re-registration application was denied by the Director, California Service Center, and is currently before the Administrative Appeals Office (AAO) on appeal. The re-registration application will be approved and the appeal will be sustained.

The applicant is a native and citizen of El Salvador who was granted Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254, on June 9, 2003.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on March 10, 2005, and indicated that he was re-registering for TPS.

On August 16, 2005, 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.

The record of proceedings reveals that the applicant filed an initial TPS application on April 9, 2001, under receipt number SRC 01 174 55585. On June 17, 2002, the applicant was requested to submit additional evidence establishing his nationality and identity. The applicant failed to respond within the twelve-week timeframe; therefore, the director denied the application on September 20, 2002, after determining that the applicant had abandoned his application by failing to submit documentation regarding his nationality. The record does not reflect that the applicant filed a motion to reopen within 30 days of the denial notice; however, on September 25, 2002, the applicant provided the requested evidence.

On January 10, 2003, the applicant filed an application for re-registration, and included additional evidence. The director approved that Form I-821 application on June 9, 2003. On March 10, 2005, the applicant applied for re-registration, which the director denied on August 16, 2005, finding that the applicant was not eligible to apply for re-registration for TPS because he was not previously granted TPS.

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 on the re-registration application will be withdrawn and the re-registration application will be approved.

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

ORDER: The appeal is sustained.