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U.S. Citizenship
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[REDACTED]

FILE:

[REDACTED]

OFFICE: CALIFORNIA SERVICE CENTER

Date:

SEP 07 2006

[SRC 01 201 56264]

[WAC 05 127 74921]

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:

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.

Cynthia Gomez

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Texas Service Center. 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 initial application will be reopened, *sua sponte*, by the Chief, AAO, the appeal sustained, and the application 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 an initial application for TPS during the initial registration period under receipt number SRC 01 201 56264. The director denied the initial application on June 19, 2003, after determining that the applicant had abandoned her application by failing to respond to a request for additional evidence to establish her eligibility for TPS.

However, the record of proceedings reveals that the June 19, 2003, denial decision was sent to the applicant's previous address in error. The record contains a change of address notification dated January 9, 2003. The applicant also provided her new address when she appeared for fingerprinting, as denoted on her fingerprint application worksheet completed by the Immigration and Naturalization Service, Application Support Center (INS/ASC) on February 22, 2003. On appeal, the applicant also submits a copy of her residential lease indicating her new address as of December 2002, and a confirmation of change of address from the United States Postal Service (USPS). The record also contains evidence that the applicant states was sent in response to the notice of intent to deny. In support of this assertion, the applicant submits certified mail receipts dated January 11, 2003, and postmarked by the USPS on January 14, 2003.

The record of proceedings contains sufficient evidence to establish the applicant's eligibility for TPS (specifically her continuous physical presence and her continuous residence) 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 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).

It is noted that the applicant has another record of proceedings under file number [REDACTED]. This record of proceedings contains a Form I-130, Petition for Alien Relative, which was approved on May 9, 2002.

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