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U.S. Citizenship  
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M

FILE:



OFFICE: California Service Center

DATE:

**DEC 04 2007**

[WAC 05 112 71905 –  
as it relates to SRC 01 172 56308]

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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial application was denied by the Director, Texas Service Center (TSC). A subsequent application was denied by the Director, California Service Center (CSC), and is currently on appeal before the Administrative Appeals Office (AAO). The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office (AAO). The appeal will be sustained and the applications 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 applicant, who states that she entered the United States without inspection in April 2000, filed a Form I-821, Application for Temporary Protected Status, during the initial registration period for El Salvadoran nationals on April 9, 2001 [SRC 01 172 56308]. The TSC Director denied the initial application on the ground of abandonment on September 20, 2002, after the applicant failed to respond to a request for additional evidence – specifically, a photo identity document from her country of origin. The record indicates that the applicant moved prior to the issuance of the decision since the TSC received an Application for Employment Authorization (Form I-765), along with an application to re-register for TPS, on September 17, 2002, both of which listed a different address for the applicant.<sup>1</sup> The TSC mailed its decision on the initial application to the applicant's old address.

The TPS application currently before the AAO on appeal [WAC 05 112 71905], which is also identified as an application for re-registration of TPS, was filed on January 20, 2005. On August 16, 2005, the application was denied by the CSC Director on the ground that the initial TPS application had been denied, thereby making the applicant ineligible to re-register for TPS under 8 C.F.R. § 244.17(a).

On appeal, the applicant submits photocopies of the identity page of her El Salvadoran passport issued by the Consulate General in Houston, Texas, on March 16, 2005, along with her El Salvadoran birth certificate with English translation. Thus, the applicant has overcome the ground for denial cited by the TSC Director in her denial of the initial TPS application on September 20, 2002. The applicant also submits her marriage license issued in Harris County, Texas, on April 22, 2003, and various medical forms, tax documents, an apartment lease, and letters from the Social Security Administration and a private bank. This documentation supplements materials previously submitted with the initial TPS application, which included a photocopy of a birth certificate, dated October 12, 2000, recording the birth of the applicant's child in Houston, Texas, on August 5, 2000, and various associated medical documents.

The applicant has established her identity and nationality, in accordance with the requirements of 8 C.F.R. § 244.9(a)(1). In addition, the applicant has established her continuous physical presence in the United States since March 9, 2001, and her continuous residence in the United States since February 13, 2001, as required for TPS applicants from El Salvador under 8 C.F.R. § 244.2(b) and (c). Since the ground for denial of the initial TPS application has been overcome, and the applicant meets the other requirements for TPS eligibility, the decision of the TSC Director will be withdrawn, and the application approved.

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<sup>1</sup> The Form I-765 [SRC 03 019 51998], along with the TPS re-registration application [no receipt number], were denied by the TSC Director on December 30, 2002. The applicant filed another Form I-765 [SRC 03 228 57919] with a TPS re-registration application [no receipt number] at the TSC on August 6, 2003, which were denied on September 25, 2003.

The director's denial of the subsequent application for re-registration of TPS 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.

An alien applying for TPS 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 that burden.

**ORDER:** The initial application [SRC 01 172 71905] is reopened, *sua sponte*, the director's denial decision of September 20, 2002, is withdrawn, and the application is approved.

The appeal of the director's decision on August 16, 2005, denying the applicant's re-registration application [WAC 05 112 71905], is sustained. The application is approved.