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U.S. Citizenship
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FILE: [REDACTED] Office: California Service Center
[WAC 05 225 82738, as it relates to WAC 01 204 57048]

Date: NOV 15 2007

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.

A handwritten signature in cursive script, appearing to read "Robert P. Wiemann".

for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, California 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, Administrative Appeals Office. The appeal will be sustained and the applications 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 an initial TPS application on May 8, 2001, under CIS receipt number WAC 01 204 57048. The director denied that application on June 27, 2004, because the applicant failed to submit evidence to establish her continuous residence in the United States since February 13, 2001. The director noted that the applicant had failed to submit evidence with her TPS application. The record reflects that on August 14, 2004, the applicant filed a late appeal which the director treated as a motion to reopen/reconsider, and dismissed on March 24, 2004, because the motion was not filed within 30 days.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 13, 2005, under CIS receipt number WAC 05 225 82738, and indicated that she was re-registering for TPS. The director denied this application on July 26, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to reregister for TPS.

However, the record 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; the record of proceedings does not reveal any derogatory information. The record contains sufficient evidence to establish the applicant's identity and nationality, and documentation, including school records, which cumulatively establishes her continuous residence in the United States since February 13, 2001, and her continuous physical presence in the United States from March 9, 2001, to the date of filing her application. The record of proceedings also contains a photo ID with the applicant's fingerprints. 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.

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.