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U.S. Citizenship
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FILE:

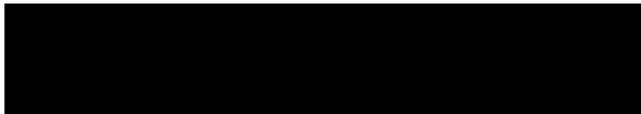
Office: CALIFORNIA SERVICE CENTER

Date: **OCT 03 2007**

[WAC 05 132 70581 as it pertains to SRC 01 181 66841]

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

Cindy M. Gomen
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Texas Service Center (TSC). A subsequent application for re-registration was denied by the Director, California Service Center (CSC), and is currently before the Administrative Appeals Office as a late appeal. Notwithstanding that the appeal is late, because of the circumstances of the case, the matter will be *sua sponte* reopened, the applications will be approved and the appeal will be sustained.

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 record reveals that the applicant filed a Form I-821, Application for Temporary Protected Status, under Citizenship and Immigration Services (CIS) receipt number SRC 01 181 66841. The TSC Director denied that application on February 25, 2004, because the applicant had abandoned her application by failing to submit a legible copy of photo identification such as a State issued driver's license, a State issued identification card, or other documentation such as a passport.

It is noted that although the request for evidence that the TSC Director sent to the applicant on August 4, 2003 was sent to the wrong city and zip code, the applicant does state that she received it and responded at that time.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 9, 2005, and indicated that she was re-registering for TPS.¹

The CSC Director denied the re-registration application on June 9, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

If the applicant is filing an application as a re-registration, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

In this case, the applicant has not previously been granted TPS because she had not submitted a legible copy of photo identification. However, on appeal, the applicant forwarded photo identification in the form of a copy of her State of Texas Identification Card and a copy of her "Cedula De Identidad Personal" (Card of Personal Identity) from El Salvador, issued in 1993 with a copy made in 1997.

The applicant has satisfied all other eligibility requirements for TPS. 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.

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

¹ The applicant filed other TS re-registration applications in 2002 and 2003.

ORDER: The denial of the initial application is withdrawn, the appeal for the re-registration application is sustained, and both applications are approved.