



U.S. Citizenship
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Services

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[REDACTED]

FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE: OCT 05 2007
[WAC 05 215 75708]

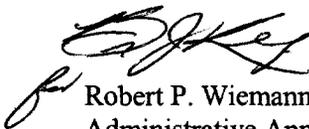
IN RE: Applicant: [REDACTED]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration
and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:
[REDACTED]

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.


Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The re-registration application was denied by the Director, California Service Center (CSC), and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained and the application will be 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 record indicates that the applicant filed a TPS application during the initial registration period on June 28, 2002, under receipt number LIN-02-232-51926. That application was denied by the Director, Nebraska Service Center (NSC), due to abandonment on February 3, 2003, because the applicant had failed to respond to a request dated September 3, 2002, to submit evidence of her nationality and identity, and evidence of continuous residence and continuous physical presence in the United States during the qualifying periods.

The applicant subsequently filed a second application on November 13, 2002, under receipt number LIN 03 044 51466, and indicated that she was re-registering for TPS. As the initial application was denied on February 3, 2003, the NSC director treated the submission as a new application. The NSC director subsequently denied that application on April 10, 2003, because the applicant had failed to respond to a request to submit additional evidence. The applicant appealed the director's decision to the AAO on April 23, 2003. The AAO has sustained the appeal and approved the TPS application.

During the pendency of Form I-290B, Notice of Appeal to the Administrative Appeals Office, the applicant filed the current TPS application [WAC 05 215 75708] and indicated that she was re-registering for TPS. The CSC director denied the re-registration application on August 16, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. Counsel appealed this decision of the CSC director on September 14, 2005.

The CSC director's denial of the application for re-registration or renewal is dependent upon the adjudication of the initial application. Since the applicant's TPS application [LIN 03 044 51466] has been 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 requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has met this burden.

ORDER: The appeal is sustained and the application is approved.