

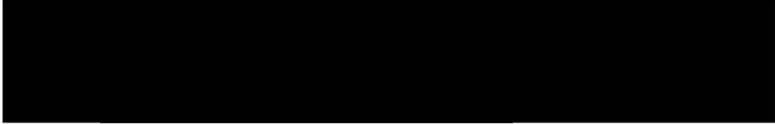


U.S. Citizenship  
and Immigration  
Services

PUBLIC COpy

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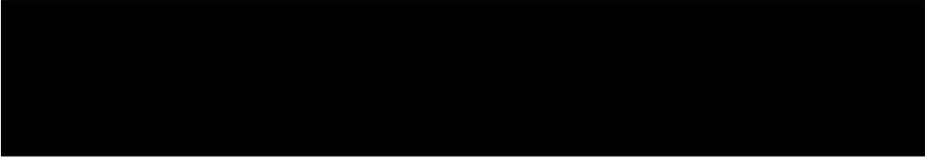


FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: MAY 14 2008  
[WAC 05 14081806]

INRE: Applicant: [REDACTED]

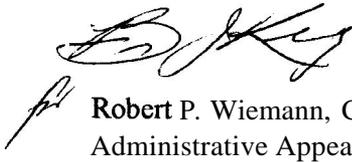
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.c. § 1254

ON BEHALF OF APPLICANT:



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 application was denied by the Director, California Service Center. A subsequent appeal was dismissed by the Chief, Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reopen. The case will be *sua sponte* reopened and the previous TPS applications 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 applicant filed an initial Form 1-821, Application for Temporary Protected Status, under receipt number WAC 01 186 57482 during the initial registration period. The director denied that application on March 13, 2004, after determining that the applicant had abandoned her application by **failing** to respond to a request for evidence dated December 24, 2003.

The applicant filed the current Form 1-821 on February 17, 2005, and indicated that she was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

Some of the documents that the applicant included with her initial application filed on April 17, 2001, included a copy of her El Salvadoran passport issued to her on October 9, 1992 in San Francisco, California, a copy of her California Identification Card issued on August 8, 1994, a copy of her IRS Form 1040A, U.S. Individual Income Tax Return, for 2000 signed on March 22, 2001, along with a AAA card showing membership from 1997 and expiring on April 4, 2002.

Upon initial submission, the applicant had furnished sufficient evidence to establish her continuous residence and continuous physical presence during the requisite time periods. 8 C.F.R. § 244.2 (b) and (c). Therefore, the application shall 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.

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.

ORDER: The initial 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.