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U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] OFFICE: California Service Center DATE: SEP 11 2008
[WAC 05 218 72704, as it pertains to
LIN 01 149 50719]

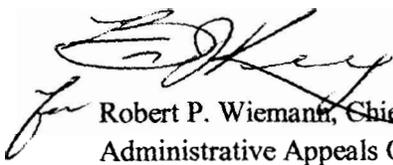
IN RE: Applicant: [REDACTED]

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


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Nebraska Service Center (NSC). The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office (AAO), and the application will be approved. A subsequent application for re-registration was also denied by the Director, California Service Center (CSC) and is currently before the AAO on appeal. The appeal will be sustained, and the 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 record reveals that the applicant filed a TPS application during the initial registration period on March 27, 2001, under receipt number LIN 01 149 50719. On May 17, 2001, the applicant was requested to submit additional evidence establishing her national identity and her continuous residence in the United States since February 13, 2001. On August 28, 2002, the NSC director denied that application because the applicant failed to respond to the requested information. The applicant submitted an appeal from the director's decision on October 8, 2002 which was dismissed by the director because it was untimely filed.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on March 7, 2005, and indicated that she was re-registering for TPS. The CSC 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. The applicant has now submitted an appeal.

On appeal, the applicant states that she came to the United States on December 10, 2000, and that she has never received her Employment Authorization Card. The applicant submits the following additional documentation along with her appeal:

1. Copies of billing statements from Dish Network dated December 20, 2000, and June 20, 2005;
2. Copies of prescription labels in the applicant's name dated December 28, 2000, and January 31, 2001;
3. A copy of a utility bill dated December 6, 2001; and,
4. A copy of a medical bill in the applicant's name from Patoka Valley Radiology dated November 12, 2002.

The applicant has submitted sufficient evidence to establish her continuous residence and continuous physical presence in the United States during the requisite periods which establishes the applicant's eligibility for TPS. The record also contains a copy of the applicant's Salvadoran passport. The record does not reflect any grounds that would bar the applicant from receiving TPS. There are no other known grounds of ineligibility; consequently, the director's decision will be withdrawn and the appeal will be sustained.

In addition, 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. The applicant is eligible for employment authorization under 8 C.F.R. § 274a.12(a)(12).

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 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.