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JUL 05 2007

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER
[WAC 05 208 77515 as it relates to LIN 01 169 51244]

Date:

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.

Robert P. Wiemann
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Nebraska 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 applicant filed an initial application for TPS under receipt number LIN 01 169 51244 on April 17, 2001.¹ The Director, Nebraska Service Center, denied the initial application on June 5, 2002, after determining that the applicant had failed to submit sufficient evidence to establish his continuous residence since February 13, 2001, and continuous physical presence in the United States since March 9, 2001.

The applicant filed an appeal that was treated as a motion and dismissed by the NSC Director on April 13, 2005.

The applicant filed the Form I-821, Application for Temporary Protected Status that is under appeal on September 24, 2003, and indicated that he was re-registering for TPS.

The 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.

On appeal, the applicant submits copies of his Utah Driver's License, 2001 Income Tax forms, earnings statements, and pension account status reports. The dated evidence submitted is sufficient to establish the applicant's continuous residence and continuous physical presence in the United States during the requisite time periods.

Since the applicant has overcome the sole ground for the denial of his initial application for TPS, that decision has been withdrawn. The record of proceedings contains sufficient evidence to establish the applicant's eligibility for TPS and does not reflect any other grounds that would bar the applicant from receiving TPS. Therefore, 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.

An alien applying for TPS 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. The appeal is sustained.

¹ Additional TPS re-registration applications were filed by the applicant in 2002, 2003, 2005, and now, 2006.