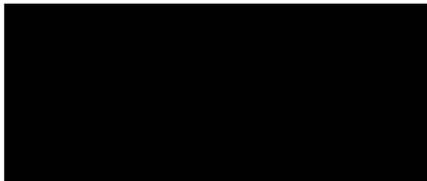


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prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

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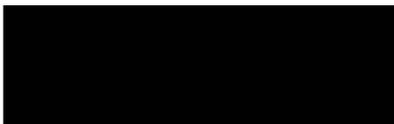
Office: CALIFORNIA SERVICE CENTER

Date:

[WAC 05 141 83907]

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 office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The case will be remanded for further consideration and action.

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 the current Form I-821, Application for Temporary Protected Status, on February 18, 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.

The record reveals that the applicant filed her initial TPS application on May 14, 2001, under CIS receipt number WAC 01 214 50727. The director denied that application on February 24, 004, after determining that the applicant had abandoned her application by failing to appear for fingerprinting. However, the record also reveals that the director subsequently approved the application on September 7, 2004.

A review of the record of proceedings reflects that the director erred in his decision to approve the application. Specially, the evidence contained in the record does not establish the applicant's continuous residence and continuous physical presence in the United States during the requisite time periods for TPS. The record is absent of sufficient evidence covering qualifying periods for El Salvador TPS.

The director shall issue a new decision that, if adverse to the applicant, shall be certified to the AAO for review. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS. As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

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ORDER: The case is remanded for further action consistent with the director's new decision on the initial application.