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**U.S. Citizenship
and Immigration
Services**

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FILE:

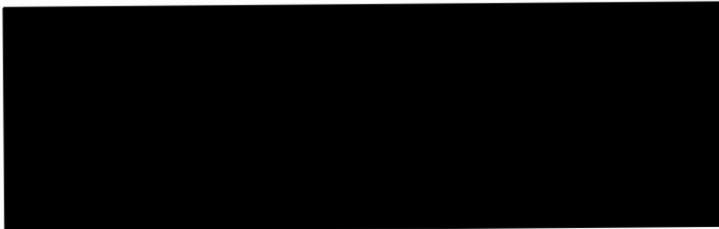


OFFICE: CALIFORNIA SERVICE CENTER DATE: **DEC 27 2006**

[WAC 05 270 70292]

IN RE:

Applicant:

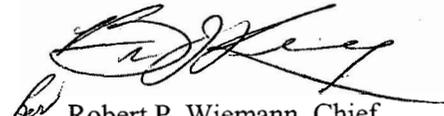


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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.


Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, California Service Center, and is currently before the Administrative Appeals Office (AAO) on appeal. The application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office, and the case will be remanded for further consideration and action.

The applicant is stated to be 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 application for TPS on March 1, 2002, under receipt number WAC 02 129 51898. The director denied the application on August 15, 2002, after determining that the applicant had abandoned her application by failing to be fingerprinted. On March 13, 2003, the applicant filed a motion to reopen, which the director granted on August 20, 2003.

On June 27, 2005, the applicant filed a re-registration application. On August 16, 2005, the director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was therefore not eligible to apply for re-registration under TPS.

However, the record of proceedings reveals that the director's decision was in error. The record reveals that since the applicant's initial TPS application was reopened on August 20, 2003, she is eligible to apply for re-registration TPS.

It is noted that the Record of Proceedings does not contain a current Federal Bureau of Investigations (FBI) report for the applicant.

Since the applicant's initial TPS application was reopened, the director's decision on the application will be withdrawn and the application will be remanded for a new decision. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS offered to Salvadorans.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The initial application is reopened, the director's decision is withdrawn, and the application is remanded to the California Service Center for a new decision. The re-registration application is remanded for further action consistent with the director's new decision on the initial application.