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FILE:



OFFICE: California Service Center

DATE:

DEC 29 2006

[WAC 05 153 74569]

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 application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded.

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 Form I-821, Application for Temporary Protected Status on March 21, 2001 under Citizenship and Immigration Services (CIS) receipt number SRC 01 152 66030. The Director, Texas Service Center denied the application on January 12, 2003 because the applicant failed to submit a photo identification in response to a Request for Additional Information and, therefore, had abandoned her application.

Another TPS application was filed by the applicant on January 21, 2003 indicating that she was applying for annual registration/re-registration. The director denied the application on July 22, 2003 because the applicant failed to submit documents in response to a Notice of Intent to Deny requesting additional evidence and, therefore, had abandoned her application. A motion to reopen was filed by the applicant on August 5, 2003 under CIS receipt number SRC 03 218 53653 wherein she claimed that she never received the Notice of Intent to Deny. However, there is no record that the motion was adjudicated by the director.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on March 2, 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.

A review of the record indicates that there is still a pending motion to reopen the previously-filed TPS application. The current application for re-registration is dependant upon the outcome of the prior application; therefore, the case will be remanded for the issuance of a decision on her motion to reopen the prior TPS application.

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

ORDER: The case is remanded to the director for entry of a decision on the motion to reopen the previous application.