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U.S. Department of Homeland Security  
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U.S. Citizenship  
and Immigration  
Services

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FILE:

[WAC 05 209 74327]

Office: CALIFORNIA SERVICE CENTER

Date: NOV 02 2006

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 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, Texas 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, AAO, 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 under receipt number SRC 01 141 54581. On June 22, 2001, the director sent the applicant a request for additional evidence requesting that she provide documents to show that she had been physically present in the United States from March 9, 2001 to the date she filed her application (March 17, 2001). On January 16, 2002, the director determined that the applicant had abandoned her application because she had failed to supply the deficient data in her application.

Since the application was denied due to abandonment, there was no appeal available; however, the applicant could have filed a request for a motion to reopen within 30 days from the date of the denial. The applicant did not file a motion to reopen during the requisite timeframe.

The applicant filed the current application, on April 27, 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.

On appeal, the applicant states that she had not received a notice indicating that she should have forwarded additional proof in support of her application. The applicant submits a document dated July 25, 2000, permitting the staff of the Hall County Health Department in Gainesville, Georgia, to administer vaccines to her daughter, [REDACTED]. She also submits copies of a receipt showing she paid \$15 to the Northeast Georgia Medical Center on August 1, 1998 and \$15 to the Hall County Health Department in Gainesville, Georgia on February 1, 1999. Additionally, she forwards two confirmation of birth documents from the Northeast Georgia Medical Center, Inc. in Gainesville, Georgia indicating that her daughter [REDACTED] was born at the Center on December 5, 1998, and that her daughter [REDACTED] was born at the Center on January 21, 2000.

Although not addressed by the director, the applicant has provided insufficient evidence to establish that she is a national or citizen of El Salvador. The record does not contain any photo identification such as a passport or national identity document to establish her nationality. 8 C.F.R. § 244.2(a) and § 244.9(a)(1).

The director's denial of the initial application will be withdrawn; the application will be remanded for a new decision. The director's denial of the application for re-registration is also withdrawn as it is dependent upon the adjudication of the initial application. 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.

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