

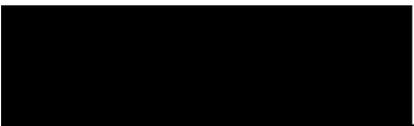
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FILE: [REDACTED]  
[SRC 04 041 51291]

Office: TEXAS SERVICE CENTER

Date: OCT 30 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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the Texas Service Center. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** An application, ostensibly submitted for re-registration was submitted on October 16, 2002. A subsequent application submitted for re-registration on November 24, 2003 that was considered as the applicant's initial application was denied by the Director, Texas Service Center (TSC) is currently before the Administrative Appeals Office (AAO) on appeal. The application will be reopened, *sua sponte*, by the Chief, AAO, and the case will be remanded for further consideration and action.

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 applicant filed what the TSC Director considered her initial application for TPS under receipt number SRC 04 041 51291. The director denied the application on January 13, 2004, because the applicant had abandoned her application by not providing evidence that she was eligible for late initial registration.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant may apply for TPS during the initial registration period, or:

- (f) (2) During any subsequent extension of such designation if at the time of the initial registration period:
  - (i) The applicant is a nonimmigrant or has been granted voluntary departure status or any relief from removal;
  - (ii) The applicant has an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;
  - (iii) The applicant is a parolee or has a pending request for reparole; or
  - (iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.
- (g) Has filed an application for late registration with the appropriate Service director within a 60-day period immediately following the expiration or termination of conditions described in paragraph (f)(2) of this section.

The initial registration period for El Salvador was from March 9, 2001 through September 9, 2002. The record reveals that the applicant filed a Form I-589, Request for Asylum and for Withholding of Deportation, on February 21, 1996, and that this application was pending during the initial registration period until November 24, 2003, the date this application was filed. Therefore, during the initial registration period she fell within one of the provisions described in 8 C.F.R. § 244.2(f)(2) above.

The director's denial of this application, that she considered the applicant's initial application will be withdrawn; 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.

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.