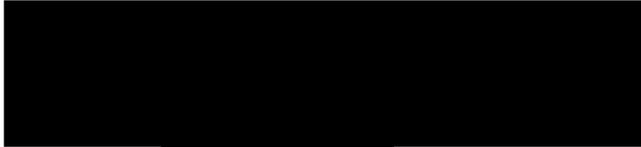


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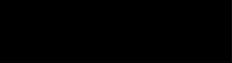
U.S. Citizenship
and Immigration
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: APR 02 2007

[WAC 05 249 70349]
[SRC 01 207 55127]

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.

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

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 claims 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 which was denied on July 22, 2003, because the applicant had abandoned his application by not appearing for fingerprinting as he had been instructed by a notice sent to him on February 3, 2003.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on June 6, 2005, and indicated that he was re-registering for TPS.

The record contains the applicant's copy of the director's February 3, 2003, notice, suggesting that he appeared for fingerprinting on February 5, 2003 and again on March 20, 2003. Although the full circumstances surrounding his two appearances is not explained, the record suggests that he reported as instructed. Additionally, the record reflects that his fingerprints were taken and sent to the U. S. Federal Bureau of Investigation by U. S. Citizenship and Immigration Services on September 7, 2005 and on February 6, 2006, and the results reports indicate no criminal arrests that would bar the applicant from receiving TPS.

Although not addressed by the director, the applicant has provided insufficient evidence to establish that he 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 his nationality. 8 C.F.R. § 244.2(a) and § 244.9(a)(1).

The director's denial of the initial application will be withdrawn and the application will be remanded. 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. The re-registration application is remanded for further action consistent with the director's new decision on the initial application.