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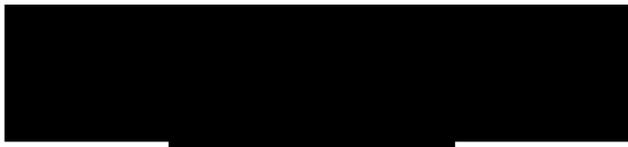
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
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FILE: [REDACTED]  
[SRC 05 024 53002]

Office: TEXAS SERVICE CENTER

Date: AUG 01 2007

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:** The initial application was denied by the Director, Texas Service Center (TSC). A subsequent application for re-registration was denied by the TSC Director, 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 director denied the application after determining that the applicant had failed to establish her eligibility for late initial registration.

The applicant filed an initial Form I-821, Application for Temporary Protected Status, under receipt number SRC 01 194 50711 during the initial registration period. The TSC Director denied that application on May 2, 2003, after determining that the applicant had failed to submit sufficient evidence of her continuous residence in the United States since March 9, 2001. On December 29, 2003, the TSC Director dismissed a subsequent motion to reopen, affirming the determination concerning continuous residence.

In this case, however, review of the record reveals that the denial of the initial TPS application was made in error. The record reflects that the earning statements beginning in November 2000, and reflecting employment in February and March of 2001 were included in the original submission. In response to the request for additional evidence the applicant supplemented the evidence indicating her continuous residence and continuous physical presence in the United States with additional evidence consisting of lease documents for 2000 and 2001, and State of Texas Identification. The submitted documentation is sufficient to establish her continuous residence in the United States for the requisite period.

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 or renewal is dependent upon the adjudication of the initial application. Since the initial application is being remanded, the current decision will also be remanded to the director for further review pursuant to the new decision on the initial application.

An alien applying for temporary protected status has the burden of proving that he or she meets the requirements cited above and is otherwise eligible under the provisions of section 244 of the Act.

**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.