



U.S. Citizenship
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Services

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FILE:



Office: California Service Center

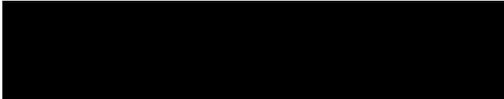
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[WAC 05 193 71076]

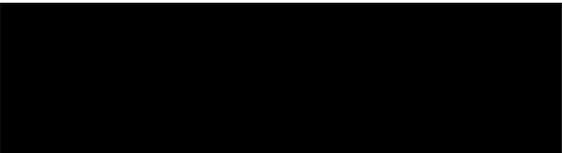
IN RE:

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 office California Service Center. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's temporary protected status 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, Administrative Appeals Office, and the case will be remanded for further consideration and action.

The applicant is a 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 an initial TPS application on August 6, 2002, under Citizenship and Immigration Services (CIS) receipt number SRC 02 241 53769. The Director, Texas Service Center, denied that application for abandonment, on April 10, 2003, because the applicant failed to respond within 30 days to a February 10, 2003 notice of intent to deny to submit a photo identification, and evidence of her continuous physical presence in the United States from March 9, 2001, to the date of filing. 8 C.F.R. § 103.2(b)(13). A denial due to abandonment may not be appealed; however, an applicant may file a motion to reopen under 8 C.F.R. § 103.5 within 30 days of the denial decision. The record does not reflect that the applicant filed a motion to reopen.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 11, 2005, under CIS receipt number WAC 05 193 71076, and indicated that she was re-registering for TPS. The Director, California Service Center, denied this application on August 6, 2006.

However, the record of proceedings does not contain the director's August 6, 2006 denial notice. The AAO, therefore, cannot adjudicate the appeal without the director's denial notice.

The re-registration initial application will be remanded to the director for entry of a new decision. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS offered to El Salvadorans.

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 re-registration application is reopened, the director's decision is withdrawn, and the re-registration application is remanded for a new decision.