



U.S. Citizenship
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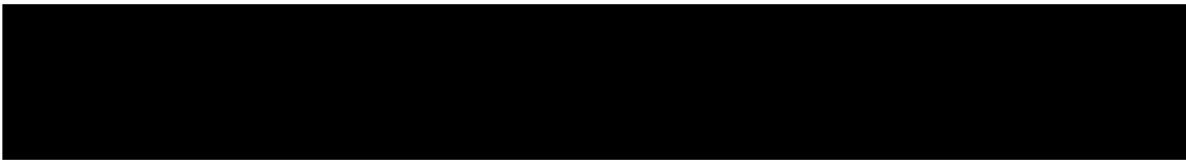
JUL 13 2007

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date:
[WAC 05 228 89540]

IN RE: Applicant: [REDACTED]

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 Director, California Service Center (CSC), 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 a TPS application during the initial registration period under Citizenship and Immigration Services (CIS) receipt number SRC 01 192 57837. On January 16, 2004, the TSC director requested the applicant to submit additional evidence in order to establish her qualifying continuous residence and continuous physical presence in the United States. The applicant was also requested to submit photo identification. The Texas Service Center (TSC) director determined that the record did not contain a response from the applicant and, therefore, denied the application on April 21, 2004, due to abandonment.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 16, 2005, and indicated that she was re-registering for TPS.

A review of the record of proceedings reflects the applicant responded to the TSC director's January 16, 2004, request and submitted some evidence in an attempt to establish her eligibility for TPS.

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, that decision will be remanded to the director for further adjudication. 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 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 TSC director's new decision on the initial application.