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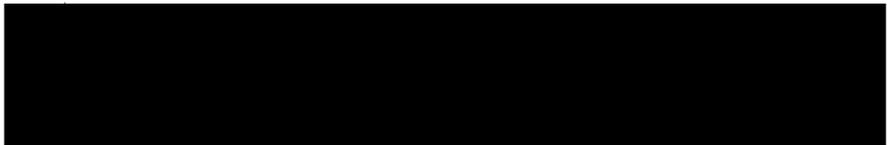


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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER
[WAC 05 222 79101]
[SRC 02 033 55346]

Date: **MAR 02 2007**

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: 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 "R. 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 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 applicant filed an initial application for TPS under receipt number SRC 02 033 55346. The director denied her Form I-765, Application for Employment Authorization July 9, 2003, after determining that the applicant had failed to respond to a Notice of Intent to Deny, (NOID) concerning her Form I-821, Application for Temporary Protected Status.

The applicant filed the current application, on May 10, 2005, and indicated that she was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. However, while the record does not show that the applicant responded to the TSC Director's NOID dated January 27, 2003, the record also fails to show that the director denied her initial TPS application.

It is noted the applicant has provided insufficient evidence to establish that she is a national or citizen of El Salvador. The applicant has provided a copy of a birth certificate along with an English translation. However, a birth certificate alone does not establish nationality. The record does not contain any photo identification such as a passport or national identity document. 8 C.F.R. § 244.2(a) and § 244.9(a)(1).

The director's denial of the initial application, if any, will be withdrawn; the application will be remanded for a new decision. The director's denial of the application for re-registration is also remanded 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 for a new decision. The re-registration application is remanded for further action consistent with the director's new decision on the initial application.