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U.S. Citizenship
and Immigration
Services

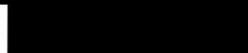
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MAY 21 2007

FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

[WAC 05 224 72803 as it pertains to
[LIN 01 153 50773]

IN RE:

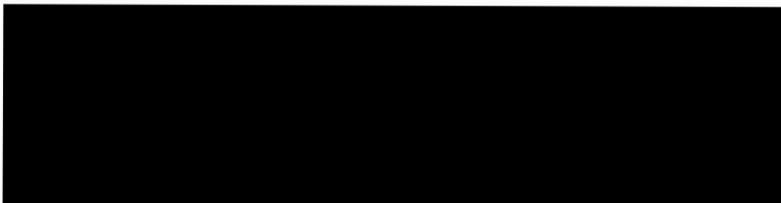
Applicant:



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

for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, California Service Center. Amd is now before the Administrative Appeals Office (AAO). The case will be remanded.

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 on April 2, 2001, under Citizenship and Immigration Services (CIS) receipt number LIN 01 153 50773. The Director, Nebraska Service Center, denied that application for abandonment on September 25, 2001, because the applicant failed to appear for fingerprinting. There is nothing in the record to indicate that the applicant filed a motion to reopen the director's decision. However, it is noted that the applicant's fingerprints were processed on June 11, 2005 in connection with her subsequent application.

The applicant filed the current Form I-821, Application for Temporary Protected Status on May 12, 2005, and indicated that she was 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, the record of proceedings reveals that the director's decision was in error. Specifically, the record reveals that the applicant indicated that she was filing her first TPS application, and not re-registration. The record also indicates that the applicant had an Application for Suspension of Deportation or Special Rule Cancellation of Removal under NACARA pending with the Executive Office for Immigration Review (EOIR) during the initial qualifying period and was therefore eligible for late initial registration.

The director's denial of the initial application will be withdrawn. The application 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 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 case is remanded to the director for further action consistent with the above and entry of a decision.