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



**U.S. Citizenship
and Immigration
Services**

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FILE:

[EAC 02 062 50578]

Office: VERMONT SERVICE CENTER

Date:

NOV 05 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: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the Vermont Service Center. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Vermont Service Center and is currently before the Administrative Appeals Office on appeal. 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 Form I-821, Application for Temporary Protected Status, under receipt number EAC 02 062 50578 during the initial registration period. Prior to a decision being made on his initial Form I-821, the applicant filed a Motion to Reopen. On April 5, 2004, the director sent the applicant a Notice of Intent to Deny (NOID) indicating Citizenship and Immigration Services' intention to deny the applicant's motion unless evidence of continuous residence and continuous physical presence was submitted within 60 days. However, the notice was mailed to an incorrect address. On March 28, 2005, the director denied the initial Form I-821 because the applicant had failed to respond to the April 5, 2004 NOID. The applicant filed a subsequent I-821 for re-registration under receipt number WAC 05 162 70243 and indicated that he 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.

The director's denial of the initial application will be withdrawn; the application will be remanded for a new decision. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS.

Although not addressed by the director, the applicant has provided insufficient evidence to establish that he 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 his nationality. 8 C.F.R. § 244.2(a) and § 244.9(a)(1).

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 remanded for a new decision.