

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

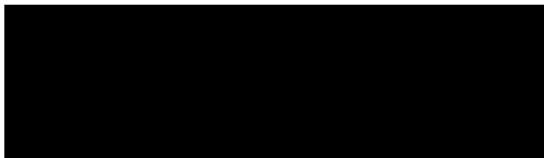
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

PUBLIC COPY

M1



FILE:



Office: CALIFORNIA SERVICE CENTER

Date: NOV 06 2007

[WAC 05 221 73988]

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 office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The approval of the initial application was withdrawn by the Director, California Service Center.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 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 her initial TPS application during the initial registration period under CIS receipt number WAC 01 243 52643. The director granted the applicant TPS on January 12, 2005. The director withdrew the applicant's Temporary Protected Status on September 6, 2005, when it was determined that the applicant had failed to successfully re-register by failing to report for fingerprinting as scheduled.

Temporary Protected Status shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner specified by the Attorney General. Section 244(c)(3)(c) INA.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 9, 2005, and indicated that she was re-registering for TPS. The director denied the re-registration application also on September 6, 2005, due to abandonment, because the applicant failed to appear for fingerprinting.

The director informed the applicant that there is no appeal from a denial due to abandonment, but that she could file a motion to reopen the case within 33 days of the date of issuance of the Notice of Decision. 8 C.F.R. § 103.2(b)(15).

On September 21, 2005, the applicant filed a motion to reopen the case. The applicant stated that she had no intention to abandon her TPS case, and that she never received a notice to appear for fingerprinting.

An office decision made as a result of a motion may be appealed to the AAO only if the original decision was appealable to the AAO. 8 C.F.R. § 103.5(a)(6).

The director accepted the applicant's response to the director's latest decision as an appeal and forwarded the file to the AAO. However, in this case, the director denied the re-registration application due to abandonment; the AAO has no jurisdiction to consider the current appeal. Therefore, the case will be remanded and the director shall consider the applicant's response as a Motion to Reopen.

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 re-registration application is remanded for further action consistent with the director's new decision on the initial application.