

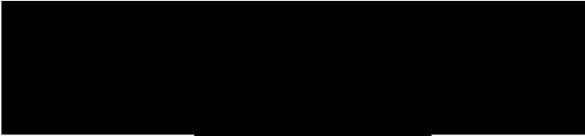


U.S. Citizenship
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FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

OCT 31 2007

[WAC 05 215 76176 which relates to SRC 01 221 66893]

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 California 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, AAO, and the case will be remanded for further consideration and action.

The applicant is 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, on May 31, 2001, under receipt number SRC 01 221 66893, which the director denied on April 28, 2004, because the applicant had abandoned her application by not submitting photo identification or any national identity document from her country of origin bearing her photo and/or fingerprint.¹

The applicant filed the current Form I-821 on May 3, 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.

If the applicant is filing an application as a re-registration, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

On appeal, the applicant submits a copy of her El Salvadoran passport issued in Houston, Texas, on May 10, 2004, by the Republic of El Salvador.

As the Director, TSC's, decision was based on abandonment, the AAO does not have jurisdiction over this case. Therefore, the initial application will be withdrawn and 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, the current decision will also be remanded to the director for further review pursuant to the new decision on the initial application. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS.

An alien applying for temporary protected status has the burden of proving that he or she meets the requirements cited above and is otherwise eligible under the provisions of section 244 of the Act.

¹ The TSC Director sent the applicant a Notice of Intent to Deny on January 21, 2001, requesting that she provide evidence to show that she had been physically present in the United States since March 9, 2001. The applicant responded to that request on March 11, 2003. The TSC Director then sent the applicant a Request for Additional Information asking that she submit photo identification or any national identity document from her country of origin bearing photo and/or fingerprint such as a photocopy of her passport, national identification card, etc.

ORDER: The initial application is reopened, the director's decision is withdrawn and the application is remanded. The re-registration application is remanded for further action consistent with the director's new decision on the initial application.