

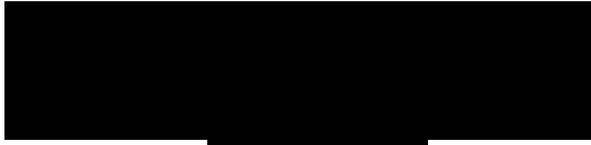


U.S. Citizenship
and Immigration
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FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER
[WAC 05 222 70359 as it pertains to
[LIN 03 247 51625]
[LIN 01 276 50150] and
[LIN 02 170 52610]

Date: FEB 07 2008

INRE: 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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Nebraska Service Center. Subsequent applications were also denied by the Director, Nebraska 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. All applications will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office, and 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 a TPS application during the initial registration period on September 24, 2001, under Citizenship and Immigration Services (CIS) receipt number LIN 01 276 50150. The Director, Nebraska Service Center, denied that application for abandonment on March 8, 2002, because the applicant failed to respond to a request for evidence to establish her continuous residence and continuous physical presence in the United States during the qualifying period. There is nothing in the record to indicate that the applicant filed a motion to reopen the director's decision. The applicant filed a subsequent TPS application during the initial registration period on April 24, 2002 under CIS receipt number LIN 02 170 52610. The Director, Nebraska Service Center, denied that application for abandonment on January 24, 2003, because the applicant failed to respond to a request for evidence to establish her continuous residence and continuous physical presence in the United States during the qualifying period. However, the record of proceedings reveals that the January 24, 2003 decision was sent to the wrong address. The record also indicates that there is no request for additional evidence regarding the second TPS application.}

The director's denial of the second application will be withdrawn; 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 applications. Since the second application is being remanded, that decision 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 applications will be 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 applications.

¹ The record reflects that subsequent applications also were filed on August 18, 2003 [LIN 03 247 51625] and May 10, 2005 [WAC 05 222 70359] as re-registrations for TPS but were denied, because previous applications for TPS were denied.