



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

identifying data deleted to
prevent clearly **unwarranted**
invasion of personal **privacy**

MI

FILE:



Office: CALIFORNIA SERVICE CENTER

Date: JUN 30 2008

[WAC 05 216 86218]

INRE:

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. Wiernann, Director
Administrative Appeals Office

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

The applicant claims to be 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 electronic record reflects that the applicant filed her initial TPS application on April 12, 2001, under CIS receipt number SRC 01 179 56064. The electronic record reflects that the director denied that application on February 5, 2004. The applicant failed to appeal the director's decision. The applicant filed a subsequent re-registration application on September 9, 2002, under CIS receipt number SRC 02 266 54657. The director denied that application as abandoned on February 11, 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.

The applicant filed the current Form 1-821, Application for Temporary Protected Status, on May 4, 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.

However, the record does not contain a copy of the April 12, 2001 decision denying the applicant's initial application (SRC 01 179 56064). According to 8 C.F.R. § 244.10, whenever an application for TPS is denied, the alien shall be given written notice setting forth the specific reasons for the denial.

The case is remanded for the purpose of a written decision, which fully addresses the evidence. Should the decision be adverse, the applicant shall be permitted to file an appeal, without fee.

ORDER: The case is remanded for appropriate action and decision consistent with the foregoing.