

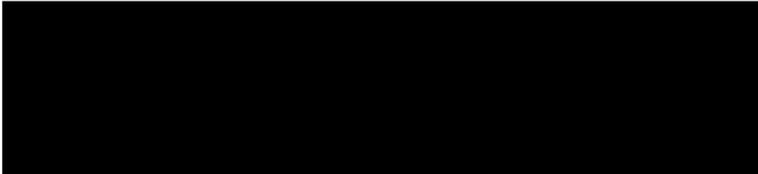
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

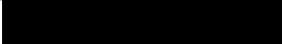
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DEC 03 2007

FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

[WAC 05 131 8045 las it relates to SRC 01 197 57321]

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.

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

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 record reveals that the applicant filed his initial Form I-821, Application for Temporary Protected Status, on April 25, 2001, under Citizenship and Immigration Services (CIS) receipt number SRC 01 197 57321. The TSC Director denied that application on February 11, 2003, because the applicant had abandoned his application by failing to submit evidence of his identity and nationality.

The applicant filed the current Form I-821 on August 16, 2005, and indicated that he was re-registering for TPS.¹

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.

In this case, the applicant has not previously been granted TPS because he had not responded to the TSC Director's December 17, 2002 Notice of Intent to Deny and Revoke requesting that he submit a copy of his photo identification such as his driver's license or any national identity document from his country of origin. The record shows that the applicant responded to that request on March 10, 2003, by forwarding a copy of his El Salvadorian National Identification Card, (CEDULA No. [REDACTED]), and a copy of his Texas Driver License. On September 6, 2003, although the applicant's evidence of identity and nationality was already in the record, the director reopened her determination by sending a request for evidence asking for the same information that was requested on December 17, 2002. On September 19, 2003, the applicant again forwarded a copy of his National Identification Card and Texas Driver's license along with a copy of his Form I-766, Employment Authorization Card, Social Security Card and another copy of his birth certificate. It is determined that the applicant had provided the evidence requested prior to the February 11, 2003 initial denial.

Although the applicant provided the evidence requested in a timely manner, his appeal may not be sustained and must be returned to the CSC Director for a new initial determination as the applicant has provided insufficient evidence to establish his continuous residence and continuous physical presence during the requisite time periods. 8 C.F.R. §§ 244.2 (b) and (c).

¹ The record indicates that the applicant also filed TPS re-registration application in 2002 and 2003.

The director's denial of the initial 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 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.

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.