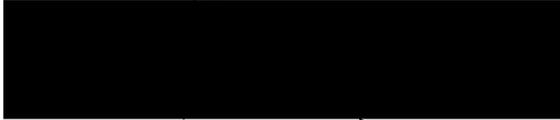


identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



FILE:



Office: CALIFORNIA SERVICE CENTER

Date: MAR 02 2007

[WAC 05 217 71519]

[SRC 02 033 55667]

IN RE:

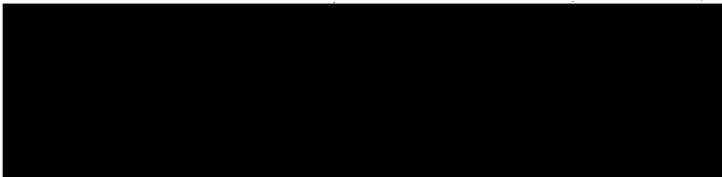
Applicant:



APPLICATION:

Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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, 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 claims to be 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 application for TPS under receipt number SRC 02 033 55667. The director denied the initial application on January 16, 2003, and a subsequent motion to reopen on February 18, 2003, because the applicant had abandoned her application by failing to appear for fingerprinting.

On November 9, 2001, Director, TSC, sent the applicant a letter acknowledging the receipt of the applicant's \$25 fingerprint fee and indicated that she would be notified in writing of the date, time, and location to report to have her fingerprints completed. However, the record does contain a copy of any subsequent notification prior to the January 16, 2003 denial. The record does show that her fingerprints were taken and sent to the Federal Bureau of Investigation by Citizenship and Immigration Services on July 10, 2005 and on April 22, 2006.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 5, 2005, and indicated that she was re-registering for TPS.

Although not addressed by the director, the applicant has provided insufficient evidence to establish that he is a national or citizen of El Salvador. The record does not contain any photo identification such as a passport or national identity document to establish his nationality. 8 C.F.R. § 244.2(a) and § 244.9(a)(1).

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 is also withdrawn as it is dependent upon the adjudication of the initial application. 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 initial application is 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 application.