

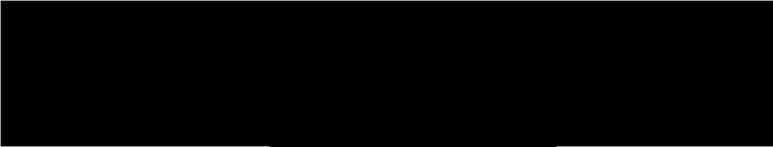
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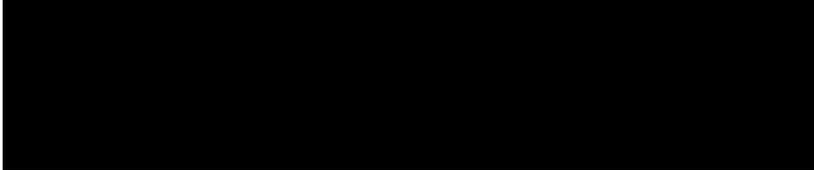
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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: FEB 29 2008
[WAC 01 230 52837]
[WAC 05 203 76872]

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 California Service Center. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, California Service Center (CSC), denied the initial application. The director also denied a subsequent application for re-registration which is now 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.

The applicant claims to be a native and citizen of El Salvador who seeks Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. §1254.

The director denied the re-registration application because the applicant had not previously been granted TPS.

On appeal, the applicant asserts that she is eligible for TPS.

The record reflects that the applicant filed a TPS application on April 9, 2001 (WAC 01 230 52837) – during the initial registration period for Salvadorans. The attorney [REDACTED] submitted a Form G-28, Notice of Entry of Appearance as Attorney or Representative, along with the application. In support of her application, the applicant submitted photocopies of the following documents: her birth certificate, with translation, a letter from [REDACTED], an attorney in San Gabriel, California, dated August 22, 2000; and, her son's ninth grade report card from Reed Middle School, in Hollywood, California, dated June 1996.

On August 23, 2003, CIS mailed the applicant a fingerprint appointment notice to [REDACTED], but not to the applicant. The applicant did not appear for fingerprinting.

On February 19, 2004, the applicant filed a re-registration application (WAC 04 003 51875).

On March 9, 2004, the director deemed the initial application (WAC 01 230 52837) abandoned, due to the applicant's failure to appear for fingerprinting. The director mailed the denial notice to the applicant at the new address listed on the re-registration application. The applicant was informed that a denial for abandonment could not be appealed, but that she could file a motion to reopen within 30 days from the date of the denial. The applicant did not file a motion.

On, September 2, 2005, the director denied the current re-registration application (WAC 05 203 76872) because the applicant had not previously been granted TPS.

On appeal, the applicant asserts that she is eligible for TPS and submits additional documentation, including: a Clinic Appointment Book from Los Angeles County, indicating that she had an appointment with [REDACTED], on March 6, 2001, at 10:30am; a bill from University Children's Medical Group addressed to the applicant for services rendered to her daughter, [REDACTED], dated May 17, 2001; and, a letter from the Social Security Administration, dated November 30, 2001.

The letter from [REDACTED], the Clinic Appointment Book, the bill from University Children's Medical Group, and, the letter from the Social Security Administration show residence and physical presence immediately prior to and during the initial registration period. These documents indicate residence and physical presence in Los Angeles, California, and establish that the applicant continuously resided in the United States since before February 13, 2001, through the date of filing of her initial application, on April 9, 2001. Consequently, the applicant has submitted sufficient evidence to establish that she has met the residence and physical presence requirements described in 8 C.F.R. §§ 244.2(b) and (c).

If the applicant has satisfied the other requirements for TPS, the initial application can be reopened *sua sponte*, in accordance with 8 C.F.R. 103.5(a)(5). The applicant has satisfied the requirements for establishing her continuous residence and continuance physical presence from the required dates in 2001 to the date of filing of her initial application. The record also contains results from a recent fingerprint investigation of the applicant conducted by the Federal Bureau of Investigation (FBI) issued on April 27, 2006, indicating no criminal record that would bar the applicant from TPS eligibility.

The application cannot be approved at this time, however, because the applicant has not submitted a photo identity document, as required by, 8 C.F.R. § 244.9(a)(1). The applicant has satisfied all other requirements for TPS. Therefore, the initial application is reopened and the case is remanded to the director. The director shall grant the applicant an opportunity to submit a photo identity document such as a passport or national identification card.

ORDER: The initial application is reopened, *sua sponte*, and the application is remanded.