

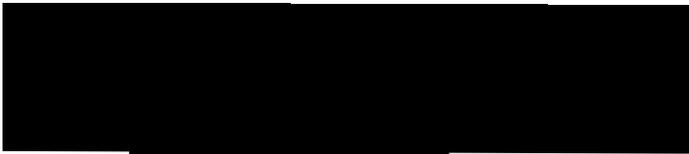


U.S. Citizenship
and Immigration
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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER
[WAC 06 033 70096, as it pertains to
LIN 01 175 51607]

Date: SEP 02 2008

IN RE: 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 approved by the District Director, Newark, New Jersey. A subsequent application was denied by the District Director, Newark, New Jersey. Another application for re-registration was denied by the Director, California Service Center, and is currently before the Administrative Appeals Office (AAO) on appeal. The previous application 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 Sudan 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 LIN 99 197 50355. The District Director, Newark, New Jersey, approved the application on July 7, 1999. A re-registration application was approved on August 22, 2003. The record contains a copy of a March 14, 2005 notice from the district director notifying the applicant that her application for TPS had been denied for failure to re-register for the period from October 7, 2004 through December 6, 2004. It is not clear which I-821 re-registration application the director was denying, as the notice does not contain a receipt number and there are numerous I-821 applications in the record of proceeding. The director stated in the December 21, 2005 denial of this TPS re-registration application that a Form I-821 application was denied on September 14, 2005. However, the record of proceedings does not contain a copy of the September 14, 2005 decision.

The case is remanded for the inclusion of the September 14, 2005 notice of decision.

The director's denial of the application for re-registration or renewal is dependent upon the adjudication of the initial application. Since the appeal of the initial application is not contained in the record, this decision can not be fully adjudicated.

It is noted, on appeal, the applicant stated that she had re-registered for TPS every year, but was late in re-registering for the "year 2004" because she had been granted advance parole to visit her ailing father who was confined to a hospital in Egypt. She stated she filed the re-registration application on January 2, 2005 and submits a copy of a return receipt from the U.S. Postal Service. The record also contains an August 15, 2005 letter from an individual (whose connection to the applicant is not clear) requesting that the applicant be allowed to reschedule an interview upon her return. In this case, it does not appear that the applicant "willfully" failed to re-register.

The burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by Citizenship and Immigration Services (CIS). 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof, the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b).

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.