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MA

[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date: **OCT 31 2006**

[SRC 03 028 56448]

[WAC 05 212 75101]

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:

[REDACTED]

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 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 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 record reveals that the applicant filed an initial TPS application on October 11, 2002, under receipt number SRC 03 028 56448. CIS computer records indicate that the Director of the Texas Service Center denied the application on May 13, 2003; however, the record does not contain a copy of the denial decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 30, 2005, and indicated that she was applying for re-registration or renewal of her temporary treatment benefits.

The Director of the California Service Center denied the application on December 20, 2005, because the applicant's initial Form I-821 had been denied and she was not eligible to apply for re-registration or renewal of temporary treatment benefits.

The record of proceeding, as it is presently constituted, is incomplete. As stated previously, the record does not contain a copy of the denial decision dated May 13, 2003. The director shall place a copy of the denial decision into the record of proceeding and return the file to the AAO for adjudication of the appeal. Accordingly, the matter will be remanded for action consistent with the foregoing.

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 case is remanded to the director for further action consistent with the above.