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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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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: AUG 15 2007
[WAC 05 221 79335]

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.

A handwritten signature in black ink, appearing to read "Robert P. 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 applicant filed an initial Form I-821, Application for Temporary Protected Status, under receipt number SRC 01 203 56473 during the initial registration period. The TSC Director denied that application on November 27, 2001, after determining that the applicant had abandoned her application by failing to respond to a request for additional evidence dated July 24, 2001. However, the record reflects that the applicant did respond to the July 24, 2001 request.

A subsequent Form-I-821, filed under receipt number SRC 03 07353 863 was denied by the TSC Director who determined that the applicant had failed to establish she was eligible for late initial registration. The TSC Director denied a motion to reopen on July 8, 2003, again because the applicant had failed to establish she was eligible for late initial registration. A late appeal was rejected by the AAO Chief on August 12, 2004.

The applicant filed a subsequent Form I-821 on May 9, 2005.

The director denied the application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

The TSC Director's Notice of Intent to Deny dated July 24, 2001, requested the applicant submit a copy of her El Salvadoran national identification card and evidence she had been continuously present and had resided in the United States since February 13, 2001. In her response, the applicant submitted a copy of her El Salvadoran national identification card and evidence of continuous residence and continuous physical presence that should have been considered by the director when making the determination concerning her initial application.

The director's denial of the initial application and the TSC Director's denial of the re-registration application are withdrawn; the current application will be remanded for a new decision. The CSC 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 CSC 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 or renewal application is remanded for further action consistent with the director's new decision on the initial application.