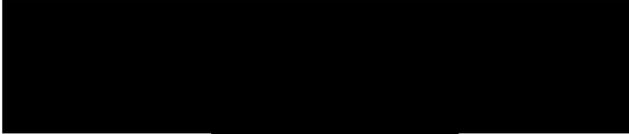




U.S. Citizenship
and Immigration
Services

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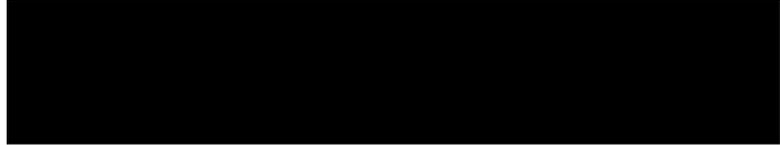
Office: CALIFORNIA SERVICE CENTER

Date:

[WAC 05 238 70286 as it relates to SRC 01 272 56782 and SRC 02 273 55765]

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 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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Texas Service Center. 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 is stated 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 01 272 56782. The director denied both the initial application and a subsequently filed re-registration application on July 23, 2004, because the applicant had abandoned his application by failing to appear for fingerprinting. However, the record reflects that his fingerprints were taken and sent to the U. S. Federal Bureau of Investigation (FBI) by U. S. Citizenship and Immigration Services on three occasions. On November 13, 2001, they were rejected as unclassifiable by the FBI. His fingerprints were again taken and sent to the FBI on June 17, 2005 and April 20, 2006. The resulting reports from the last two submissions disclosed no disqualifying information.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 26, 2005, and indicated that he was re-registering for TPS.

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

Although not addressed by the director, the applicant has provided insufficient evidence to establish that he is a national of El Salvador. The applicant has submitted a copy of his birth certificate accompanied by a translation. However, under Section 244(a)(1) of the Immigration and Nationality Act, the applicant must establish he is a national of El Salvador, or if he has no nationality, that he is a person who last habitually resided in El Salvador. The record does not contain any national identification documentation such as a passport or national identity document or his affidavit showing proof of his unsuccessful efforts to obtain such identity documents. 8 C.F.R. 244.9(a)(1).

Beyond the decision of the director, it is noted that the applicant has provided insufficient evidence to establish his continuous residence and continuous physical presence during the required time periods. 8 C.F.R. § 244.2 (b) and (c).

The director's denial of the initial application will be withdrawn and the application will be remanded. 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. The re-registration application is remanded for further action consistent with the director's new decision on the initial application.