



U.S. Citizenship  
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JAN 25 2007

FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

[WAC 02 265 52076]

[WAC 05 216 74769]

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, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial application was denied by the Director, California 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, Administrative Appeals Office, and the case will be remanded for further consideration and action.

The applicant claims to be a 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 WAC 02 265 52076. The director denied the initial application on September 25, 2004, after determining that the applicant had abandoned her application by failing to appear for her fingerprint appointment or request another opportunity to be fingerprinted.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 4, 2005, and indicated that she was re-registering for TPS or renewing her temporary treatment benefits. The director denied the application on August 16, 2005, because the applicant's initial TPS application had been denied and she was not eligible for re-registration or renewal of temporary treatment benefits.

On appeal, the applicant states that she has lived in the United States since June 1998 and has three children who were born in the United States. She submits additional evidence to establish her qualifying continuous residence and continuous physical presence in the United States.

The denial of the initial application will be withdrawn; the application will be remanded for a new decision. The 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, that decision will be remanded to the director for further adjudication. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS offered to Salvadorans.

It is noted that the record of proceeding, as it is presently constituted, does not contain a copy of an official Salvadoran identification document to establish her identity and nationality. It is further noted that the applicant was fingerprinted in conjunction with the current application and no criminal record was found.

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.