

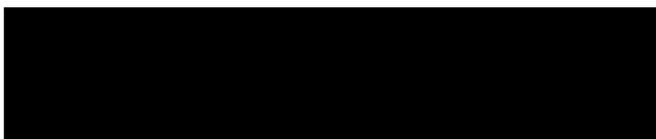
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U.S. Citizenship  
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FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE: JUL 30 2007  
[SRC 02 032 56421]  
[WAC 05 216 82681]

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 office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "R. 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). The Administrative Appeals Office (AAO) dismissed an appeal from the denial decision of the re-registration application. The matter is now before the AAO on a motion to reopen. The initial application will be reopened, *sua sponte*, by the 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 a TPS application during the initial registration period on September 24, 2001, under Citizenship and Immigration Services (CIS) receipt number SRC 02 032 56421. The TSC director denied that application based on abandonment on August 24, 2004, because the applicant had failed to respond to a request dated May 20, 2004, to submit evidence to establish his identity.

The applicant filed a TPS re-registration application on May 4, 2005. The CSC director denied that application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. On September 2, 2005, the applicant filed an appeal from the denial decision. The AAO dismissed the appeal on November 17, 2006, because the applicant had not previously been granted TPS; therefore, he was not eligible to re-register for TPS. The AAO noted that although the applicant had submitted a copy of his birth certificate, the record did not contain a photo identification to establish the applicant's nationality and identity as required by 8 C.F.R. § 244.9(a)(1).

On motion, the applicant requests reconsideration of his application. He submits additional evidence, including a copy of a passport issued to the applicant on December 12, 2006, in Houston, Texas. Since the applicant has overcome the sole ground for the denial of his initial application for TPS, that decision will be withdrawn.

The record of proceeding, however, contains Form I-601, Application for Waiver of Ground of Excludability, and a copy of Form I-797C, Notice of Action, dated November 8, 2001, advising the applicant that Form I-601 was received on September 24, 2001. The Form I-601, however, remains adjudicated. Accordingly, the case will be remanded for the adjudication of the waiver application. 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. An adverse decision on the waiver application may be appealed to the AAO.

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.