



U.S. Citizenship
and Immigration
Services

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invasion of personal privacy**

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[REDACTED]

FILE:

[REDACTED]

Office: Atlanta District Office Date: **OCT 10 2007**

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 office Atlanta District Center. Any further inquiry must be made to that office.


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary protected status was denied by the District Director, Atlanta, Georgia, and is currently before the Administrative Appeals Office (AAO) on appeal. The case will be remanded for further consideration and action.

The applicant is stated to be a citizen of Somalia 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 previously filed a late initial TPS application on July 9, 2003. The record of proceedings does not contain a decision on that application.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on June 17, 2005. The Atlanta District Director denied the application because she determined that the applicant had failed to register for Temporary Protected Status during the period September 4, 2001 through September 17, 2002.

The initial registration period for Somalis was from September 4, 2001 through September 17, 2002. On July 27, 2006, the Department of Homeland Security (DHS) announced an 18-month extension of Temporary Protected Status (TPS) for nationals of Somalia until March 17, 2008.

As noted above, the applicant filed a late initial TPS application on July 9, 2003. The record also indicates that at the time her initial TPS application was filed, the applicant had an appeal of the denial of her asylum application pending before the Board of Immigration Appeals, which would establish the applicant's eligibility for late initial registration for TPS.

However, as also noted above, the record does not contain a decision on the initial TPS application.

The director's denial of the current application will be withdrawn and the case remanded for inclusion of a copy of the initial denial in the record of proceeding. If the initial application has not been adjudicated, the director shall afford the applicant an opportunity to submit evidence to establish her eligibility for TPS and issue a decision on that application. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS offered to Somalis.

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 and the case is remanded for a new decision. The current TPS application is remanded for further action consistent with the director's decision on the initial application.