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U.S. Citizenship  
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FILE:



OFFICE: CALIFORNIA SERVICE CENTER

DATE: **AUG 14 200**

[WAC 05 139 70059]

[WAC 01 240 56780]

IN RE:

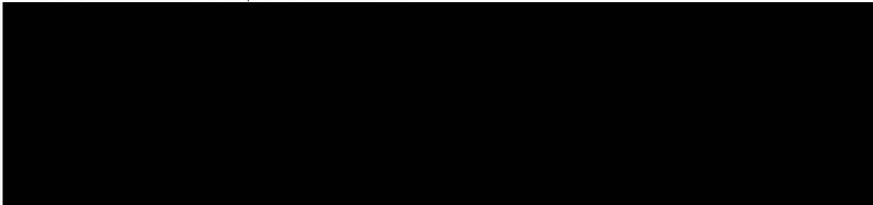
Applicant:



APPLICATION:

Application for Temporary Protected Status under Section 244 of the  
Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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".

for Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The case will be remanded to the director for further 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 record reveals that the applicant filed a TPS application during the initial registration period on June 4, 2001, under Citizenship and Immigration Services (CIS) receipt number WAC 01 240 56780.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 16, 2005. The director denied this application on June 30, 2005, after determining that the applicant was ineligible for re-registration because the applicant's initial TPS application was denied. On July 28, 2005, the applicant filed Form I-290B, Notice of Appeal to the Administrative Appeals Unit, appealing the director's decision.

The record of proceeding, however, does not contain the director's notice denying the applicant's initial TPS application (WAC 01 240 56780). Therefore, the case is remanded for the inclusion of the director's decision and any other necessary documentation into the record of proceeding. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS.

The Federal Bureau of Investigation (FBI) fingerprint results report indicates the following arrests and/or convictions relating to the applicant:

- (1) Arrested on January 14, 2003, in Redwood City, California (name used: [REDACTED] for inflicting injury on a child. The final court disposition of this arrest is not contained in the record of proceeding. CIS must address this arrest and/or conviction in any future decisions or proceedings.
- (2) Arrested on February 7, 2003, in Redwood City, California (name used: [REDACTED] for willful cruelty to a child. The FBI report shows that the applicant was convicted of this offense. However, the actual final court disposition of this arrest is not contained in the record of proceeding. CIS must address this arrest and/or conviction in any future decisions or proceedings.

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 case is remanded to the director for further action consistent with the above.