



U.S. Citizenship  
and Immigration  
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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: JAN 06 2006  
[WAC 05 225 73767 – I-821]  
[WAC 05 234 50041 – I-290B]

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.

Robert P. Wiemann, Director  
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.

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 his initial Form I-821, Application for Temporary Protected Status, with the Immigration and Naturalization Service, now Citizenship and Immigration Services (CIS), on March 28, 2002, under CIS receipt number WAC 02 148 51519.

The director denied the application on December 27, 2004, because the applicant failed to establish continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since March 9, 2001.

The applicant filed the current TPS re-registration application on May 17, 2005, under CIS receipt number WAC 05 225 73767. The director denied the current re-registration application on August 16, 2005, because the applicant's initial TPS application had been denied, and he was not eligible to re-register for TPS.

On appeal, the applicant states that he needs additional time to submit a brief or additional evidence in support of his appeal because he has filed a Freedom of Information Act (FOIA) request. To date, no brief or evidence has been received from the applicant.

The record does not contain a copy of the applicant's 2005 TPS re-registration application or a copy of the denial decision dated August 16, 2005. The director shall place a copy of the denial decision and the re-registration application in the record of proceeding and return the record to the AAO for adjudication of the appeal.

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.