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U.S. Citizenship
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FILE:



[WAC 05 141 75816]

Office: CALIFORNIA SERVICE CENTER

Date: JUN 28 2006

IN RE:

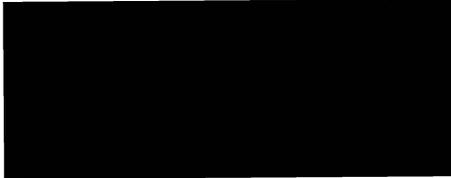
Applicant:



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 California Service Center. 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 application was denied by the Director, California Service Center, (CSC), 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 a Form I-821, Application for Temporary Protected Status, during the initial registration period under Citizenship and Immigration Services (CIS) [receipt number SRC 01 215 54618.] The Director, Texas Service Center, (TSC), denied that application on March 19, 2003, after determining that the applicant had abandoned his application by failing to respond to a Notice of Intent to Deny, (NOID), dated January 22, 2003.

The applicant filed the current application, on February 18, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

The record reflects that prior to the denial of his initial TPS application by the TSC Director; the applicant had responded to the January 22, 2003, NOID.

As the TSC decision was erroneously issued, the applicant is still eligible to re-register for extension of TPS benefits, and the sole reason stated by the CSC director has been overcome.

An alien applying for temporary protected status has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act.

ORDER: The denial of the initial application [SRC 01 215 54618], is withdrawn. The case is remanded to the director for the entry of a new initial eligibility determination.