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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

MI



FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER
[SRC 99 215 51621]
[WAC 05 062 77819]

Date: NOV 03 2005

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. A subsequent application for re-registration was denied by the Director, California Service Center, and is currently before the Administrative Appeals Office (AAO) on appeal. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office, and the case will be remanded for further consideration and action.

The applicant is a 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 an initial application for TPS under receipt number SRC 99 215 51621. The Director, Texas Service Center, issued a Notice of Intent to Deny on August 25, 2003, requesting that the applicant submit final court dispositions and evidence that he entered the United States prior to December 30, 1998. In that same document, the director allowed the applicant 30 days in which to respond to the notice by submitting requested documentation.

The applicant submitted a TPS application on December 1, 2004 in which he indicated that he was applying for re-registration. The director denied the re-registration application on July 25, 2005, noting that the applicant was not eligible for re-registration because he had never been granted TPS status. However, the record of proceedings reveals that the director's decision was in error. Specifically, the record reveals that there has never been a final adjudication of the applicant's initial application.

The initial application will be remanded for a decision. 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.

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 application is remanded for a decision. The re-registration application is remanded for further action consistent with the director's new decision on the initial application.