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U.S. Citizenship  
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FILE: [REDACTED]  
[WAC 05 190 71766]

Office: CALIFORNIA SERVICE CENTER

Date: OCT 03 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: 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 "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial application was denied by the Director, Nebraska Service Center (NSC). 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 case will be remanded for further consideration.

The applicant claims to be a citizen of El Salvador who is seeking to re-register for 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 LIN 01 169 52698. The NSC director denied the initial application on December 18, 2001, after determining that the applicant had failed to appear for his fingerprinting. The applicant filed a motion to reopen on May 10, 2002, which was denied by the NSC director on July 15, 2002.

On January 26, 2004, the applicant filed a subsequent motion to reopen from the NSC director's decision. The NSC director denied this motion on February 28, 2004, and stated that the evidence submitted by the applicant failed to address the issue of fingerprinting. The director also noted that due to the length of time regarding the completion of his fingerprints, the applicant's case could not be reopened. On March 22, 2004, the applicant appealed the NSC director's February 28, 2004, decision and the Chief, AAO, ordered that the initial application be remanded to the Director, California Service Center, for further action.

The director's denial of the current application for re-registration or renewal is dependent upon the adjudication of the initial application. Since the initial application is being remanded, the re-registration application must also be remanded to the director.

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