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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**

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FILE:

[REDACTED]

Office: VERMONT SERVICE CENTER

Date: **AUG 01 2007**

[EAC 01 199 51010]  
[EAC 05 209 70176]

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 "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center. A subsequent application for re-registration was denied by the Director, Vermont Service Center. The case is currently before the Administrative Appeals Office (AAO) on appeal. The case will be remanded for a new decision.

Although a Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted, the individual named is not authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

The applicant is a citizen of El Salvador who was approved for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The record reveals that on May 29, 2002, the director approved the applicant's application for Temporary Protected Status. The record also reveals that the applicant subsequently re-registered for an extension of his TPS status. The director requested that the applicant submit copies of final court dispositions stemming from his arrest, and evidence to establish his continuous residence and continuous physical presence in the United States. On January 30, 2006 the director withdrew the prior TPS approval and denied the applicant's re-registration application.

The director may withdraw the status of an alien granted Temporary Protected Status under section 244 of the Act at any time if it is determined that the alien was not in fact eligible at the time such status was granted, or at any time thereafter becomes ineligible for such status. 8 C.F.R. § 244.14(a)(1).

On appeal, the applicant states that the warrant of removal/deportation order was cancelled by the immigration court and submits documentation to verify that statement. The applicant further states that his initial TPS approval should not have been withdrawn.

The record of proceeding shows that the court disposition stemming from the applicant's arrest in December of 1999 had already been made a part of the record at the time it was requested on September 1, 2005. Therefore, the case will be remanded for further review and a new decision.

The director's withdrawal of TPS concerning the applicant's initial application has been remanded for a new 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, this decision will also 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 re-registration application is remanded for further action consistent with the director's new decision on the initial application.