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FILE:



OFFICE: CALIFORNIA SERVICE CENTER

DATE:

DEC 13 2007

[WAC 05 158 75066]

[SRC 02 268 54323]

[SRC 01 203 56987]

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 California Service Center. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief  
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 to the director for further action.

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 TPS application during the initial registration period on May 8, 2001, under receipt number SRC 01 203 56987. On September 16, 2002, the applicant filed a second TPS application, under receipt number SRC 02 268 54323, and indicated that he was re-registering for TPS. On February 18, 2004, the Director, Texas Service Center (TSC) issued a notice (RFE) requesting that the applicant submit evidence to establish his identity, and evidence to establish that he had been continuously physically present in the United States from March 9, 2001, to the date of filing the application. The notice was issued under both receipt numbers, SRC 01 203 56987 and SRC 02 268 54323. Because the applicant had failed to respond to the RFE, the director denied the initial application (SRC 01 203 56987) based on abandonment on May 25, 2004. On July 13, 2004, the applicant filed an appeal from the denial decision and furnished additional evidence. The TSC director treated the appeal as a motion to reopen, granted the motion, and approved the TPS application, under receipt number SRC 02 268 54323, on August 27, 2004.

The applicant filed the current Form I-821, Application for Temporary Protected Status (WAC 05 158 75066), on March 7, 2005, and indicated that he was re-registering for TPS.

The CSC director denied the re-registration application on August 16, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

On appeal, the applicant asserts that he entered the United States on or about March 25, 2000. He submits copies of documents that had previously been entered into the record of proceeding.

The record indicates that the applicant's motion to reopen was granted and the TSC director approved the applicant's TPS application on August 27, 2004. Therefore, the applicant is eligible to re-register for TPS (WAC 05 158 75066). However, it is not clear whether the TSC director had intended to approve only one or both of the previously-filed TPS applications (SRC 01 203 56987 and SRC 02 268 54323).

Therefore, the case will be remanded and the director shall review all records pertaining to this applicant and issue a new decision. 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 case is remanded to the director for further action consistent with the above.