



U.S. Citizenship
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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: JAN 05 2007
[WAC 05 090 82486 - I-821]
[WAC 05 239 52157 - Appeal]

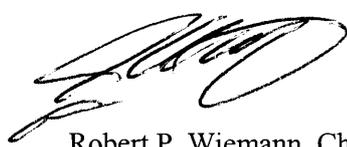
IN RE: Applicant: [REDACTED]

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 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 (CSC), and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded.

The applicant claims to be 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 record reveals that the applicant filed a first Form I-821, Application for Temporary Protected Status, with the Vermont Service Center (VSC) on September 3, 2002, during the initial registration period (EAC 03 076 51993 relates). The director of the VSC denied the application on September 8, 2003. On September 22, 2003, the applicant filed an appeal from that decision. On November 10, 2003, the applicant also filed a motion to reopen. The motion to reopen was dismissed by the director on February 4, 2004. The appeal will be remanded by the AAO under separate cover.

The applicant filed the current Form I-821 on December 29, 2004, and indicated that she was re-registering for TPS or renewing her temporary treatment benefits. The director denied the application on the basis that the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS or renewal.

Since the director's denial of the application for re-registration or renewal is dependent upon the adjudication of the initial application, and the appeal from the denial of the initial application is being remanded, the current appeal 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 offered to Salvadorans.

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.