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FILE: [REDACTED] OFFICE: California Service Center DATE: JUN 04 2007  
[WAC 01 185 51401]  
[WAC 05 204 71507]

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:  
[REDACTED]

**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.

  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the initial application and the re-registration application. The decision on the initial application is now on appeal before the Administrative Appeals Office (AAO). The director's decision will be withdrawn and the application will be remanded for further consideration and action. The re-registration application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office. The director's decision will be withdrawn and the application will likewise be remanded for further consideration and action.

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 shows that the applicant filed his initial Form I-821, Application for Temporary Protected Status, on April 19, 2001. On September 18, 2003, the director sent the applicant a Notice of Intent to Deny, in which the applicant was requested to submit police clearances from every city in which he had resided in the United States and the certified final court disposition(s) of any arrests in the United States. On October 16, 2003, the applicant responded by submitting (1) a letter from counsel stating that the applicant had attempted to obtain police clearances but had been told that no such letters are issued as a matter of policy, (2) a final court disposition from the Iowa District Court for Clay County of a criminal case involving the applicant, (3) certified records from the District Court of O'Brien County, Iowa, of criminal charges against the applicant, and (4) a letter from the District Court of Cottonwood County, Minnesota, stating that it had no criminal record on the applicant.

On December 3, 2003, the director issued a Notice of Decision denying the initial application. After referring to his prior request for the applicant "to submit evidence of final court disposition[s] of all arrests," the director did not address the documentation submitted by the applicant. The director stated generally that "the applicant has not submitted sufficient evidence to fulfill this request," without indicating specifically how the submitted evidence was insufficient. The regulation at 8 C.F.R. § 103.3(a) provides that "[w]hen a Service officer denies an application . . . the officer shall explain in writing the specific reasons for denial."

The initial application is remanded for the issuance of a new decision that sets forth the specific reasons for the denial.

On February 21, 2005, the applicant filed a second Form I-821, identifying it as an application for re-registration of TPS. On July 12, 2005, the director denied the re-registration application on the ground that the applicant's initial TPS application was denied, making him ineligible to re-register for TPS under section 244 of the Act.

Since the director's decision on the application for re-registration is dependent upon the adjudication of the initial application, and the initial application is being remanded, the denial of the re-registration application will also be withdrawn and the application remanded to the director for further adjudication.

As always in these proceedings, the burden of proof rests solely with the applicant. See 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 and the entry of new decisions.