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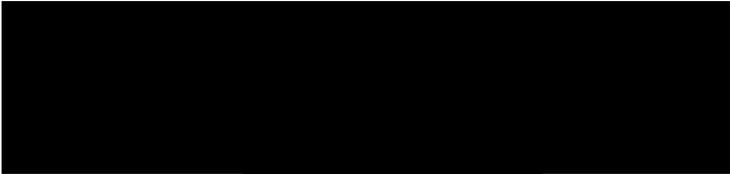
U.S. Department of Homeland Security
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Washington, DC 20529



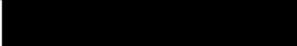
U.S. Citizenship
and Immigration
Services

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FILE:



[WAC 05 207 83896]

OFFICE: California Service Center

DATE: JUN 14 2007

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 application was denied by the Director, California Service Center. It is now on appeal before the Administrative Appeals Office (AAO). The case will be remanded to the director for the entry of a new decision.

The applicant is 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 an initial Form I-821, Application for Temporary Protected Status, on July 26, 2001. The director denied the initial TPS application on the ground of abandonment on April 22, 2004, after the applicant failed to respond to a request for police clearances from every city he had lived in since arriving in the United States and a copy of the certified final court disposition of any arrests he had in the United States. The applicant filed a Form I-290B, which the director erroneously treated as an appeal and forwarded to the AAO. Since a denial due to abandonment cannot be appealed, the AAO has no jurisdiction and is remanding the matter to the director for further consideration as a motion to reopen.

The applicant filed the current Form I-821 on February 22, 2005, and indicated that he was re-registering for TPS. The director denied the re-registration application on August 8, 2006, on the ground that the applicant's initial TPS application had been denied, thereby making the applicant ineligible to re-register for TPS. The applicant filed a timely appeal and submitted some additional documentation.

Since no final decision has been rendered on the first TPS application, however, there was no legal basis for the director to decide the subsequent application to re-register for TPS. Therefore, the case will be remanded to the director for the entry of a new decision on the applicant's re-registration application, which shall be issued after the director rules on the motion to reopen the initial application and renders a final decision on that application.

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 the entry of a new decision.