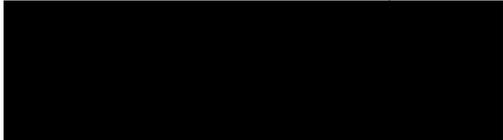




U.S. Citizenship  
and Immigration  
Services

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identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: NOV 06 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 California Service Center. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial application was approved by the Director, Vermont Service Center (VSC). A subsequent application for re-registration was denied by the Director, California Service Center (CSC), and is currently before the Administrative Appeals Office (AAO) on appeal. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office (AAO), and the case will be remanded for further consideration and action.

The applicant filed a first Form I-821, Application for Temporary Protected Status, with the VSC on April 16, 2001 under Citizenship and Immigration Services (CIS) receipt number EAC 01 181 52575. That application was approved by the VSC on October 17, 2001.

The applicant filed the current Form I-821 (receipt number WAC 05 225 73412) with the CSC on May 13, 2005, and indicated that he was re-registering for TPS or renewing his temporary treatment benefits. The director of the CSC denied the application on August 16, 2005, on the basis that the applicant was not eligible to apply for re-registration for TPS or renewal because a previous TPS application had been denied. The applicant filed his current appeal from that decision on September 14, 2005.

A review of the record reflects that it fails to contain sufficient evidence to establish the applicant's nationality and identity, as required under the provisions of 8 C.F.R. § 244.9(a)(1), and that he satisfies the continuous residence and continuous physical presence requirements described in 8 C.F.R. § 244.2(b) and (c).

Therefore, the VSC director's approval of the initial application will be withdrawn, and the application will be remanded for a new decision. Since the CSC director's denial of the application for re-registration or renewal 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 remanded 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 initial application is reopened, the director's decision is withdrawn, and the application is remanded for a new decision. The re-registration application is remanded for further action consistent with the director's new decision on the initial application.