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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:



[SRC 04 026 57424]
[WAC 05 125 78078]

Office: CALIFORNIA SERVICE CENTER

Date: NOV 16 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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

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

Although a Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted, the individual named is not authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

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 applicant filed an initial application for TPS on May 18, 2001, under CIS receipt number SRC 01 175 56697. The Director, Texas Service Center, denied that application on January 9, 2003, due to abandonment, because the applicant failed to respond to the director's request for evidence. The record of proceedings does not contain a motion to reopen. The applicant filed a second TPS application on November 5, 2003, under CIS receipt number SRC 04 026 57424. The Director, Texas Service Center, approved that application on January 14, 2004. However, the record of proceedings reveals that the director's decision with respect to CIS receipt number SRC 04 026 57424 was in error. Specifically, the TPS application, CIS receipt number SRC 04 026 57424, was filed subsequent to the initial registration period. Although the applicant claims that he is eligible for late registration because he is married to a TPS registrant, the record demonstrates that he was married to Sandra Flores in the State of Texas, on July 30, 2003, which is subsequent to the initial registration period. It is further noted that the applicant has not submitted sufficient evidence to establish his continuous residence and continuous physical presence in the United States during the requisite time periods.

The director's approval of the TPS application, CIS receipt number SRC 04 026 57424, will be withdrawn; the application will be remanded for a new decision. The director's denial of the application for re-registration or renewal is dependent upon the adjudication of the initial applications. Since the initial applications are being remanded, that decision will 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.

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 previous TPS application is reopened, the director's decision is withdrawn with respect to SRC 04 026 57424, and the case 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.