

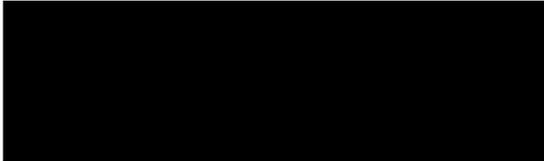
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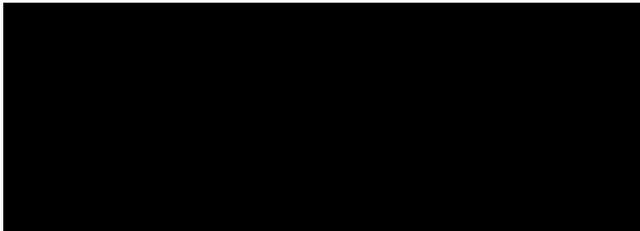
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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: NOV 26 2007
[WAC 05 281 70111
as it relates to
WAC 01 243 58657]

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

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

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 a first Form I-821, Application for Temporary Protected Status, on June 7, 2001, during the initial registration period (WAC 01 243 58657 relates). On April 5, 2004, that application was denied due to abandonment because the applicant failed to provide the final court dispositions of all of his arrests. A motion to reopen (WAC 04 173 52439) that decision, filed on June 1, 2004, was dismissed as late on November 4, 2004. A second motion to reopen (WAC 05 043 52783) remains in the record un-adjudicated.

The applicant filed his second Form I-821 on July 8, 2005 (WAC 05 281 70111 relates), and indicated that he was re-registering for TPS. The director of the CSC denied the application on June 8, 2006, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. The applicant filed his current appeal (WAC 06 221 50830) from that decision on July 13, 2006.

There is a pending motion to reopen the denial of the initial application. Since the director's denial of the application for re-registration is dependent upon the adjudication of the motion to reopen, the case will be remanded for the issuance of a decision on the motion to reopen the initial application, and the entry of a new decision on the current application.

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 re-registration application is remanded for further action consistent with the director's decision on the motion to reopen the initial application.