

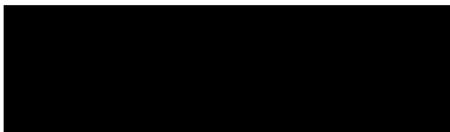
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U.S. Department of Homeland Security  
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U.S. Citizenship  
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FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER  
[WAC 05 207 70021 as it relates to SRC 01 202 56074]

Date: **OCT 31 2007**

IN RE: Applicant: [Redacted]

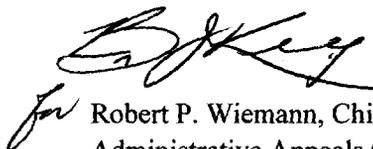
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration  
and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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.

  
for Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center, (CSC), and is now before the Administrative Appeals Office on appeal. The case will be remanded.

The applicant is a native and 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 Form I-821, Application for Temporary Protected Status, during the initial registration period under Citizenship and Immigration Services (CIS) receipt number SRC 01 202 56074.

The applicant filed the current application Form I-821, on April 25, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

The record does not contain a copy of the Texas Service Center, (TSC), decision purportedly dated June 22, 2004, denying the applicant's initial application that he filed on May 3, 2001. This decision was cited by the Director, CSC, in his decision dated September 1, 2005 finding the applicant had not established prima facie eligibility for TPS re-registration. As the applicant was not permitted to re-register based on the TSC Director's decision that is not a matter of record, a denial by the CSC Director was premature.

An alien applying for temporary protected status has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act.

**ORDER:** The denial (if any) of the initial application [SRC 01 202 56074], is withdrawn. The case is remanded to the director for the entry of a new initial eligibility determination and a subsequent decision on his re-registration application.