



**U.S. Citizenship  
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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **MAR 25 2008**

[WAC 01 265 56282]

[WAC 05 222 73584]

[WAC 05 249 50753 - appeal]

INRE:

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:



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 denied by the Director, California Service Center (CSC). A subsequent application for re-registration was denied by the Director, Texas Service Center (TSC). The applicant filed another application for re-registration which was denied by the CSC director, and is currently before the Administrative Appeals Office (AAO) on appeal. The matter will be remanded for further consideration and action.

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 his initial application [WAC 01 265 56282] on August 16, 2001. The CSC director denied that application on April 13, 2004, due to abandonment because the applicant failed to appear for his scheduled fingerprint appointment.

The applicant filed a subsequent Form I-821, Application for Temporary Protected Status, under receipt number SRC 04 022 53732, as a re-registration on October 29, 2003. The TSC director denied that application on September 27, 2004, because the applicant failed to establish his eligibility for TPS late registration.

On March 7, 2005, the applicant filed the current application which was denied by the CSC because the applicant's prior TPS application was denied, and therefore, he was not eligible to re-register for TPS.

A review of the record of proceedings reflects that the CSC director sent the request for fingerprints to an incorrect address 0 in Los Angeles, California, instead of [REDACTED] III Durham, North Carolina. The applicant indicated his new address on his application for employment authorization and re-registration for TPS filed on September 23, 2002.

In addition, a review of the record of proceedings reflects that the applicant has not provided sufficient evidence of his qualifying continuous residence and continuous physical presence in the United States for El Salvadoran TPS.

The director's denial of the initial application 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 application. Since the initial application is 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 offered to Hondurans.

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. This re-registration application is remanded for further action consistent with the director's new decision on the initial application.