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U.S. Citizenship
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FILE: [REDACTED]
[WAC 05 209 76782]

Office: CALIFORNIA SERVICE CENTER

Date: **AUG 25 2006**

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: 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.

Cindy N. Gomez 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, after the initial registration period under Citizenship and Immigration Services (CIS) [receipt number SRC 03 254 55142.] Although the record contains a decision dated May 26, 2004, by the Director, Texas Service Center, (TSC), denying the applicant's Form I-765, Application for Employment Authorization, it does not contain an order concerning the applicant's initial Form I-821.

The applicant filed the current Form I-821, on April 27, 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.

As CIS has not issued a decision concerning his initial TPS application, the denial of the current re-registration application [WAC 05 209 76785], is withdrawn. The case is remanded to the director for the entry of a new initial eligibility determination.

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ORDER: The denial of the current re-registration application [WAC 05 209 76782], is withdrawn. The case is remanded to the director for the entry of a new initial eligibility determination.