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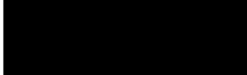


**U.S. Citizenship
and Immigration
Services**

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FILE:



OFFICE: CALIFORNIA SERVICE CENTER

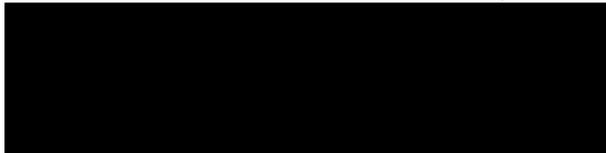
DATE: **MAR 26 2007**

[WAC 05 221 81913]

[LIN 02 204 54995]

IN RE:

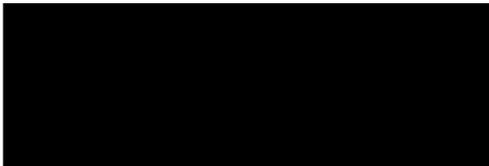
Applicant:



APPLICATION:

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

ON BEHALF OF APPLICANT:



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.


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The case will be remanded to the director for further 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 a TPS application during the initial registration period on June 15, 2001, under Citizenship and Immigration Services (CIS) receipt number LIN 01 203 52639. The Director, Nebraska Service Center (NSC), denied that application on November 26, 2001, after determining that the applicant had abandoned his application based on his failure to appear for fingerprinting on July 5, 2001. The applicant filed a second TPS application during the initial registration period on May 28, 2002, under CIS receipt number LIN 02 204 54995. The NSC director also denied that application based on abandonment on March 24, 2003, because the applicant had failed to appear for a scheduled interview on March 13, 2003, concerning his TPS application. On April 17, 2003, the Interim District Director, Chicago, Illinois, issued a notice advising the applicant that his TPS case will be reopened and that he should expect to receive another appointment notice within the next 60 days.

The applicant filed the current Form I-821, Application for Temporary Protected Status [WAC 05 221 81913], on May 9, 2005, and indicated that he was re-registering for TPS. The director denied the re-registration application on August 16, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

On appeal, counsel asserts that the denial of the TPS application is in error. He states that the applicant's TPS application [LIN 02 204 54995] was denied on March 24, 2003; however, the Chicago District Office reopened the case on April 17, 2003, the applicant is still waiting to be scheduled for an interview, and the application is still pending.

As noted above, the TPS application [LIN 02 204 54995] was reopened on a Service motion. That motion remains pending and must be concluded before a decision is made on the applicant's re-registration application [WAC 05 221 81913]. Therefore, the director's decision to deny the re-registration application will be withdrawn, and the case will be remanded for further action. 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 case is remanded to the director for further action consistent with the above.