

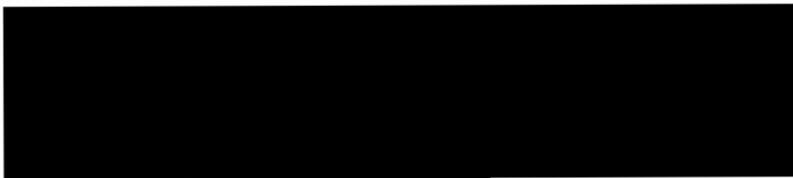


U.S. Citizenship
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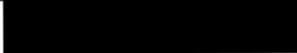
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FILE:



Office: California Service Center

Date:

MAR 26 2008

[WAC 05 217 72922]

[WAC 06 155 50307 – appeal]

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

The applicant is a citizen of El Salvador who is seeking to re-register for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The applicant filed an initial application for TPS on March 22, 2001, under receipt number WAC 01 168 55992. The director denied that application on December 15, 2003, because the applicant failed to provide the final court disposition regarding his past arrest. On January 16, 2004, the applicant through previous counsel, L. Allan Martin, filed an appeal which was treated a motion to reopen by the Director, Nebraska Service Center (NSC). On August 18, 2004, the NSC director requested the applicant to submit evidence to establish his qualifying continuous residence and continuous physical presence in the United States. The NSC director determined that the record did not contain a response from the applicant, and therefore, denied the application again on October 14, 2004, due to abandonment. On April 21, 2005, counsel submitted a motion to reopen [MSC 05 215 19345] which is being remanded by the AAO under separate cover. It is further noted, that counsel submitted yet another motion to reopen [LIN 07 082 52705] on July 26, 2007.

The applicant filed the current re-registration application on March 7, 2005. The CSC director denied this application on March 17, 2006, because the applicant had not been granted TPS, and therefore, he is not eligible to re-register for TPS.

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, this 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 El Salvadorans.

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 director's decision is withdrawn, and the application is remanded for a new decision consistent with the director's decision on the motion to reopen the application.