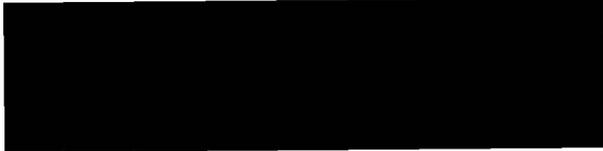




U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY



MI

DEC 18 2006

FILE:



OFFICE: CALIFORNIA SERVICE CENTER

DATE:

[WAC 05 223 77243]
[EAC 01 160 55498]

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:

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.


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 March 26, 2001, under Citizenship and Immigration Services (CIS) receipt number EAC 01 160 55498. The Director, Vermont Service Center (VSC), denied that application on May 3, 2003, after determining that the applicant had abandoned his application based on his failure to submit requested information.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 15, 2004, and indicated that he was re-registering for TPS.

The Director, California Service Center, 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.

On appeal, the applicant submits additional evidence to establish continuous residence and continuous physical presence in the United States during the qualifying period.

A review of the record of proceeding indicates that on August 9, 2002, the applicant was informed that although he had been fingerprinted twice, CIS had not been able to get a clearance because both sets of fingerprints were rejected as unclassifiable by the Federal Bureau of Investigations. Therefore, in lieu of a fingerprint clearance, the applicant must submit a police clearance for each jurisdiction (city, town, county, or municipality) where he had resided for six months or more within the past three years, and also to submit the final court dispositions of every charge against him. The notice was mailed to the applicant at the address he provided at that time [REDACTED], Gaithersburg, MD 20877). Because the applicant failed to respond, the Director, VSC, determined that the applicant had abandoned his application and denied the application on May 9, 2003. The denial notice was also mailed to the 17 Waters Street address.

It is noted, however, that prior to the VSC director's Notice of Decision dated May 9, 2003, the applicant submitted several Forms I-821 and I-765, listing his address as [REDACTED], Canoga Park, CA. Therefore, the director's decision to deny the applicant's initial application will be withdrawn.

The case will be remanded to the director for further adjudication and reissuance of the initial request for arrest reports and final court dispositions of all of his arrests. The director may request any other 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 case is remanded for appropriate action consistent with the above discussion and entry of a new decision.