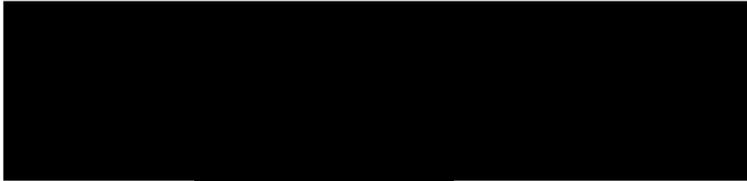




U.S. Citizenship  
and Immigration  
Services

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**OCT 28 2008**

FILE:

Office: CALIFORNIA SERVICE CENTER

Date:

[LIN 01 176 51080]

[WAC 05 148 72477]

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

The applicant is a 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 applicant filed an initial application for TPS under receipt number LIN 01 176 51080. The director denied the initial application on August 24, 2001, after determining that the applicant failed to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite periods. However, the record of proceedings reveals that the Director, Nebraska Service Center, reopened the matter and approved the application on February 21, 2002.

The director's denial of the re-registration application will be withdrawn; the application will be remanded for a new decision. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS offered to Salvadorans.

Beyond the director's decision, it is noted that a Federal Bureau of Investigation Fingerprint Report indicates that the applicant was arrested on April 23, 2004 by the Pasco, Washington Sheriff's Office, for "Failure to Comply." The final disposition for this arrest is not in the record. CIS must address this arrest in any future proceedings.

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.