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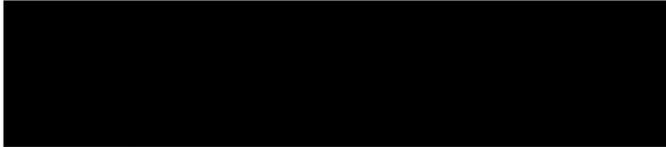
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



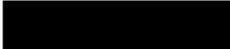
U.S. Citizenship
and Immigration
Services

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FILE:



OFFICE: CALIFORNIA SERVICE CENTER

DATE:

DEC 28 2007

[WAC 05 140 71119]

IN RE:

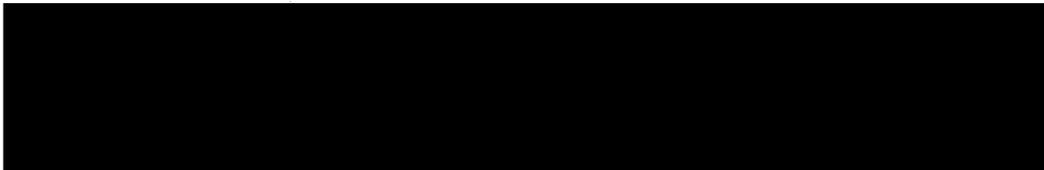
Applicant:



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 re-registration 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 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 January 3, 2002, under receipt number SRC 02 075 54427. The Director, Texas Service Center (TSC) denied that application on March 25, 2003, after determining that evidence furnished by the applicant, in response to the notice of intent to deny dated January 9, 2003, was insufficient to establish continuous physical presence in the United States from March 9, 2001, to the date of filing the application. On October 1, 2003, counsel filed an appeal from the denial decision. That appeal will be addressed in a separate decision.

The record indicates that during the pendency of Form I-290B, Notice of Appeal to the Administrative Appeals Office, the applicant filed the current application for TPS on February 17, 2005 [WAC 05 140 71119], and indicated that he was re-registering for TPS. The CSC 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.

As noted above, the applicant appealed the initial TPS application [SRC 02 075 54427], and that appeal must be concluded before a decision is made on the applicant's re-registration application. In a separate decision, the AAO remanded that case to the CSC director.

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 has been remanded, the director's decision to deny the re-registration application will be withdrawn, and the case 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.

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.