



U.S. Citizenship
and Immigration
Services

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invasion of personal privacy

[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date: **MAY 21**

[WAC 05 146 74590 as it relates to
LIN 01 146 52682]

IN RE:

Applicant:

[REDACTED]

APPLICATION:

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

ON BEHALF OF APPLICANT:

[REDACTED]

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DISCUSSION: The applicant's Temporary Protected Status was withdrawn and an application for re-registration was simultaneously denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded.

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 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 LIN 01 146 52682. The Director, Nebraska Service Center, approved that application on March 26, 2001.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 23, 2005, and indicated that he was re-registering for TPS.

The record reveals the following offenses:

- (1) On November 8, 1990, the applicant was arrested by the Los Angeles Police Department for (1) "Hit and Run/Property Damage", (2) "Unlicensed Driver", and, (3) "No Proof of Car Insurance." On December 19, 1990, the applicant entered a plea of Nolo Contende for (1) above and was found guilty of a misdemeanor. The applicant's sentence of 180 days was suspended and he was fined \$594.00 and ordered to perform 100 hours of community service. The remaining charges were dismissed.

The director withdrew temporary protected status because the applicant had failed to submit requested court documentation relating to his criminal record. The director also 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. However, the record of proceedings reveals that the applicant submitted the final disposition on appeal, which indicated that the applicant had only been convicted of one misdemeanor.

The director's denial of this application for re-registration will be withdrawn. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS offered to Salvadorans.¹

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

¹ It is noted that on July 8, 1998, an immigration judge ordered the applicant removed from the United States to El Salvador. A Warrant of Removal/Deportation, Form I-205, was issued on July 8, 1998 under file A 75 244 954. The applicant failed to appear at the Los Angeles district office on September 15, 1998, for his enforced departure.

ORDER: The case is remanded to the director for further action consistent with the above and entry of a decision.