

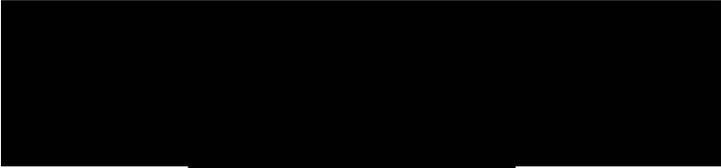
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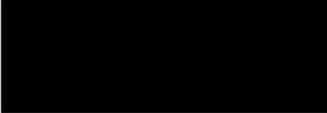
U.S. Citizenship
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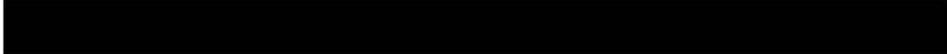
Office: CALIFORNIA SERVICE CENTER

Date: APR 17 2008

[SRC 01 17655951]
[WAC 05221 78833]

INRE:

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 by the Director, Texas Service Center (TSC). A subsequent application for re-registration was denied by the Director, California Service Center (CSC), and is currently before the Administrative Appeals Office (AAO) on appeal. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office, and the case will be remanded for further consideration and action.

The applicant claims to be 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 applicant filed his initial TPS application on April 11, 2001, under receipt number SRC 01 17655951. On January 23, 2003, the TSC director denied that application. On March 10, 2003, the applicant filed a motion to reopen/reconsider. The TSC director granted the motion to reopen and on July 14, 2003, requested the applicant to submit a Form 1-601, Application for Waiver of Inadmissibility, because the TSC director determined that the applicant was inadmissible to the United States due to the applicant's false claim to United States citizenship. The applicant did not respond to this request and, therefore, the TSC director denied the application again on September 8, 2003. On November 20, 2003, the TSC director, on a Service motion, reopened the application, and again requested the applicant to submit a Form 1-601. The TSC director determined that the applicant did not submit the requested Form 1-601, and therefore, denied the applicant again on April 24, 2004. Counsel filed a motion to reopen on October 31, 2007, which is being remanded under separate cover.

The applicant filed the current Form 1-821, Application for Temporary Protected Status, as a re-registration on December 24, 2004. The CSC director denied this application because the applicant was not granted TPS, and therefore, not eligible to re-register for TPS.

On appeal, the applicant requests that he be given an opportunity to reopen the decision. The applicant also submits some additional evidence regarding to his residence in the United States.

The director's denial of the initial application will be withdrawn; the application will be remanded for a new decision. 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, that 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.

It is also noted that the applicant was removed from the United States on October 10, 2007, under file number *An* 322 328.

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 initial application is reopened, the director's decision is withdrawn, and the application is remanded for a new decision. The re-registration application is remanded for further action consistent with the director's new decision on the initial application.