



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date JUN 30 2008

[WAC 05 210 84433]

IN RE:

Applicant:



APPLICAnON:

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 (AAO) on appeal. The appeal 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 April 27, 2001, under Citizenship and Immigration Services (CIS) receipt number SRC 01 201 54861. The Director, Texas Service Center, denied that application for abandonment on November 4, 2004, because the applicant failed to respond to a request for evidence to establish his continuous physical presence in the United States during the qualifying period and to establish his nationality and identity. There is nothing in the record to indicate that the applicant filed a motion to reopen the director's decision.

The applicant filed the current Form 1-821, Application for Temporary Protected Status, on April 28, 2005, and indicated that he was re-registering for TPS.

The director 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 does not contain a copy of this decision denying the re-registration. According to 8 C.F.R. § 244.10, whenever an application for TPS is denied, the alien shall be given written notice setting forth the specific reasons for the denial.

The case is remanded for the purpose of a written decision, which fully addresses the evidence. Should the decision be adverse, the applicant shall be permitted to file an appeal, without fee.

**ORDER:** The case is remanded for appropriate action and decision consistent with the foregoing.