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20 Mass. Ave., N.W., Rm. 3000
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U.S. Citizenship
and Immigration
Services

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FILE:

Office: CALIFORNIA SERVICE CENTER

Date:

[WAC 05 236 51821, *appeal*]

[WAC 05 152 74582]

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 Vermont Service Center. Any further inquiry must be made to that office.

John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The re-registration application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The case will be remanded to the Director, Vermont Service Center, for further action and consideration.

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 applicant filed the current Form I-821, Application for Temporary Protected Status, on March 1, 2005, under U.S. Citizenship and Immigration Services (USCIS) receipt number WAC 05 236 51821 and indicated that he was re-registering for TPS.

The director denied the applicant's re-registration application on August 16, 2005, after erroneously determining that the applicant had not been granted TPS.

The record reflects that the applicant filed a TPS application under receipt number SRC 01 150 58764. That application was denied as abandoned by the director, Texas Service Center, on July 6, 2002, because the applicant failed to provide requested additional evidence. The record reflects that the applicant had been requested to submit final court documents relating to an arrest, conviction or confinement. This request was apparently based on the results of a Federal Bureau of Investigation (FBI) fingerprint results report dated August 14, 2001. However, the name on the report is different than that of the applicant.

The record further reveals that the applicant filed a second initial registration under U.S. Citizenship and Immigration Services (USCIS) receipt number SRC 03 104 54388, on March 3, 2003, based on his marriage to a TPS registrant (██████████). The Director, Texas Service Center, approved that application on June 26, 2003.

In this case, the record clearly reveals that the applicant has been granted TPS. As USCIS has not withdrawn the applicant's TPS, it appears that the applicant is eligible for re-registration. However, the record does not contain current fingerprints for the applicant.

The case will be remanded to the director to schedule an appointment for the applicant to be fingerprinted. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS offered to El Salvadorans.

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 re-registration application is remanded for further action consistent with the above.