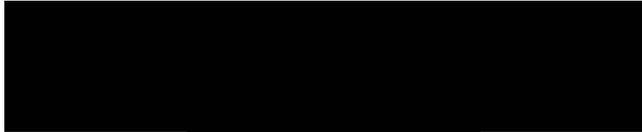




U.S. Citizenship  
and Immigration  
Services

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JAN 03 2007

FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

[WAC 05 139 78509]

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:

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 on appeal. The matter will be remanded.

The applicant is a citizen of El Salvador who is seeking to re-register for 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 during the initial registration period under Citizenship and Immigration Services (CIS) receipt number WAC 01 154 53272. The director approved the application on November 16, 2001. The record also reveals that the applicant subsequently re-registered, and that an extension of his employment authorization was granted for the period from September 9, 2003 to March 9, 2005. However, the record does not reflect an attempt by the applicant to re-register for the period from September 9, 2002 to September 9, 2003.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 16, 2005, and indicated that he was re-registering for TPS.

The director erroneously denied the 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. As previously stated, the applicant's initial TPS application was approved on November 16, 2001. Therefore, the director's decision will be withdrawn and the case will be remanded.

An alien who has been granted Temporary Protected Status must register annually with the district office or service center having jurisdiction over the alien's place of residence. 8 C.F.R. § 244.17(a).

Temporary Protected Status shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner specified by the Attorney General. Section 244(c)(3)(c)(A) of the Immigration and Nationality Act (the Act.)

In this case, there is no indication in the record of proceeding or in CIS computer records that the applicant re-registered for the 2002-2003 period. On March 4, 2004, the director issued a Notice of Intent to Withdraw the applicant's Temporary Protected Status, because the record did not indicate that the applicant had re-registered for Temporary Protected Status. To date, there is no indication in the record that the director has issued a Notice of Withdrawal. The director's denial of the current application for re-registration is dependant upon the question of whether the applicant's Temporary Protected Status will be withdrawn for failure to re-register for the 2002-2003 period. Therefore, the current application will be remanded to the director for further action.

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 for further action consistent with the director's new decision on the initial application.