



U.S. Citizenship  
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Services

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FILE:

[WAC 05 195 72130]

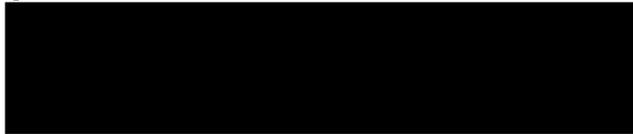
OFFICE: California Service Center

DATE:

MAR 29 2007

IN RE:

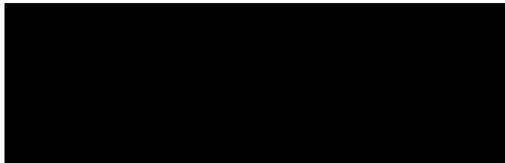
Applicant:



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 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 (CSC), and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded.

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 record reveals that the applicant filed an initial Form I-821, Application for Temporary Protected Status, on July 26, 2001, under Citizenship and Immigration Services (CIS) receipt number SRC 01 234 53885. The Director, Texas Service Center (TSC) denied the application on April 29, 2003, due to abandonment because the applicant failed to timely respond to a Notice of Intent to Deny (NOID) requesting additional evidence. The applicant filed a motion to reconsider on April 13, 2005, under CIS receipt number MSC 05 195 20988. The motion to reconsider remains adjudicated in the record.

The applicant also filed the current Form I-821 on April 13, 2005, and indicated that he was re-registering for TPS. The CSC director denied the re-registration 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 for TPS. The applicant filed his current appeal from that decision on September 15, 2005.

A review of the record indicates that there is a pending motion to reconsider the previously filed TPS application. Since the current application for re-registration is dependant upon the outcome of the prior application; the case will be remanded for the issuance of a decision on the motion to reopen the prior TPS application, and entry of a new decision on the current application for re-registration.

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

**ORDER:** The case is remanded to the director for entry of a decision on the motion to reopen the previous application, and entry of a new decision on the application for re-registration.