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**U.S. Citizenship
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Services**

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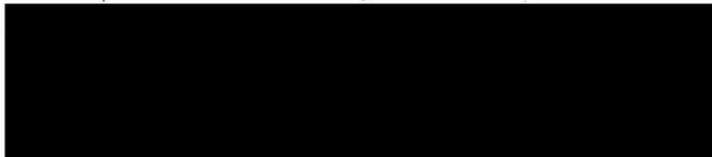


FILE: [REDACTED]
[EAC 04 071 50850]
[EAC 02 253 51437]

Office: VERMONT SERVICE CENTER

Date:

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 initial application was denied by the Director, Vermont Service Center (VSC). A subsequent application for re-registration or renewal of temporary treatment benefits was also denied by the VSC director, 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 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.

Although a Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted, the individual named is not authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

The applicant filed a first Form I-821, Application for Temporary Protected Status, on July 29, 2002, during the initial registration period (EAC 02 253 51437 relates).

The director denied the applicant's initial Form I-821 on July 15, 2003, after determining that the applicant had failed to respond to a request for evidence to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite time periods.

A review of the record of proceeding reveals that the director's decision was in error. Specifically, the director's request for evidence and denial of the initial application were mailed to the applicant in care of an individual who is not authorized to represent him. Therefore, the denial of the initial application will be withdrawn, and 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, the application for re-registration or renewal of temporary treatment benefits will also be remanded for further adjudication. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS offered to 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 initial application is reopened, the director's decision is withdrawn, and the application is remanded for a new decision. The application for re-registration or renewal of temporary treatment benefits is remanded for further action consistent with the director's new decision on the initial application.