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**U.S. Citizenship
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Services**

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MT

[REDACTED]

FILE: [REDACTED]
[EAC 01 232 58468]

Office: VERMONT SERVICE CENTER

Date: DEC 06 2006

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:

[REDACTED]

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.

The applicant filed a first Form I-821, Application for Temporary Protected Status, on July 23, 2001, during the initial registration period (EAC 01 232 58468 relates). In connection with that application, a Form G-28, Notice of Entry of Appearance as Attorney or Representative, was submitted by [REDACTED] who indicated that she was an accredited representative associated with [REDACTED]

The director denied the applicant's initial Form I-821 due to abandonment on April 16, 2003, after determining that the applicant had failed to appear for fingerprinting required in connection with his application. A subsequent motion to reopen that decision was denied by the director on July 24, 2003.

A review of the record of proceeding reveals that the director's decision was in error. Specifically, the request to appear for fingerprinting was mailed to the applicant in care of [REDACTED]. However, it does not appear that Ms. [REDACTED] is authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the director's denial of the initial application will be withdrawn, and the application will be remanded for a new decision.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.