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FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER Date: **DEC 22 2006**
[SRC 02 062 53608]
[WAC 05 232 71109]

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: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the California Service Center. 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, Texas Service Center. A subsequent application for re-registration was denied by the Director, California Service Center (CSC), and is currently before the Administrative Appeals Office (AAO) on appeal. The initial application will be reopened, *sua sponte*, by the Chief, AAO, and the case will be remanded for further consideration and action.

The applicant is stated to be 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 an initial application for TPS on December 7, 2001, under receipt number SRC 02 062 53608. The Texas Service Center Director denied the initial application on May 14, 2003, after determining that the applicant had abandoned his application by failing to respond to a notice of intent to deny.

However, the record of proceedings reveals that the director's decision was in error. The record reveals that in the applicant's initial TPS application, filed on December 7, 2001, the applicant provided an address of [REDACTED]. On January 2, 2003, the applicant submitted an Application for Employment Authorization (Form I-765), providing an address of [REDACTED]. On April 10, 2003, a Notice of Intent to Deny was sent to the applicant at his previous address at [REDACTED]. On May 14, 2003, the Notice of Denial also was sent to the applicant at [REDACTED]. The record reflects that the Notice of Denial was returned to Citizenship and Immigration Services (CIS).

In his appeal, the applicant states he has been in the United States since 1998. It is noted that the Notice of Intent to Deny and the Notice of Denial were not sent to the applicant's last known address of [REDACTED] which he provided on January 2, 2003. Therefore, the Texas Service Center Director's decision on the initial application will be withdrawn and the application will be remanded for a new decision. The CSC director's denial of the application for re-registration is dependent upon the adjudication of the initial application. Since the initial application is being remanded, that decision will be remanded to the director 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 to the California Service Center for a new decision. The re-registration application is remanded for further action consistent with the director's new decision on the initial application.