



U.S. Citizenship
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Services

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JUN 30 2006

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date:
[SRC-01-203-55752]
[WAC-05-153-75604]

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 office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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, 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 claims to be 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 an initial application for TPS under receipt number SRC-01-203-55752. CIS computer records indicate that the director denied the initial application on June 5, 2003. However, the record of proceedings does not contain a written notice of denial on the initial TPS application. Specifically, the record reveals that a Request for Evidence (RFE) was sent to the Applicant on May 17, 2003 for two Form I-821 applications with receipt numbers SRC-02-269-50880 (re-registration) and SCR-01-203-55752 (initial registration). The RFE was returned as undeliverable by the U.S. Postal Service, and the Director, Texas Service Center issued a "Notice of Decision to Deny and Revoke" relating only to the Form I-821 application with receipt number SRC-02-269-50880. There is, however, no final denial notice on the initial TPS application.

The application will be remanded for a new decision. The director's denial of the application for re-registration or renewal is dependant 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.

Although the applicant has not yet established her eligibility for Temporary Protected Status, her initial application has been reopened and is currently pending adjudication; therefore, the applicant is eligible for Temporary Treatment Benefits under 8 C.F.R. § 274a.12(c)(19).

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 re-registration application is remanded for further action consistent with the director's new decision on the initial application.