

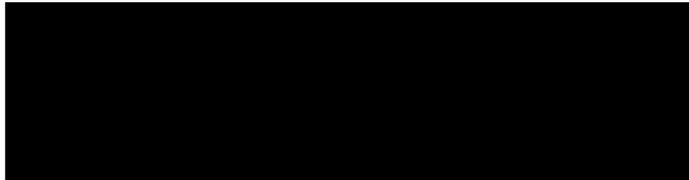


U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED] Office: California Service Center Date: APR 30 2007  
[WAC 05 225 84431]

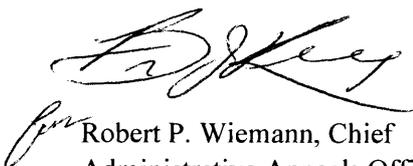
IN RE: Applicant: [REDACTED]

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 application was denied by the Director, California 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 record reveals that the applicant filed a TPS application on July 12, 2001 under CIS receipt number WSC-01-244-58981. The director denied that application on July 22, 2004, because the applicant failed to respond to a request for evidence to establish her eligibility for TPS. The record reflects that a request for additional evidence, dated April 9, 2004, was sent to the applicant at her current address. Specifically, the director requested that the applicant submit a photo identification to establish her identity and nationality. The director noted that as of July 22, 2004 the applicant failed to submit the requested evidence. The director, therefore, considered that application abandoned. 8 C.F.R. § 103.2(b)(13).

The applicant filed a Motion to reopen, on September 29, 2004, under receipt number SRC-04-252-52410. The director determined that the applicant failed to overcome the basis for the original denial. The director noted further that the applicant filed the Motion to reopen after the prescribed period of 33 days.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 13, 2005, and indicated that was her first TPS application. The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for TPS. It is noted that with the re-registration application, the applicant submitted her El Salvador birth certificate, with an English translation, and a photo Cedula.

However, the record of proceedings reveals that the director's initial denial decision was not mailed to the applicant. The records of proceedings contain a CIS envelope, addressed to the applicant, which contains the director's initial denial decision. It is noted that the envelope is not stamped. It is also noted that in her motion to reopen her initial application, the applicant stated that she did not know why her case was closed. Evidently, the applicant was not notified of the denial of her TPS application.

The director's denial of the initial application will be withdrawn; the application will be remanded for a new decision to give the applicant the opportunity to comply with the appeal instructions. 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, 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 for a new decision. The re-registration application is remanded for further action consistent with the director's new decision on the initial application.