



U.S. Citizenship  
and Immigration  
Services

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FILE:

OFFICE: California Service Center

Date: FEB 08 2007

[WAC 05 216 71538 AS IT RELATES TO SRC 01 221 63975]

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, 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 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 director denied the application after determining that the applicant's initial TPS application had been denied and the applicant was therefore not eligible to apply for re-registration under TPS.

The applicant filed an initial application for TPS under receipt number SRC 01 221 63975. The Director, Texas Service Center, denied the initial application on July 15, 2004, because the applicant failed to submit documents in response to a Request for Evidence and, therefore, had abandoned his application.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 4, 2005, and indicated that he was re-registering for TPS.

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 re-registration for TPS.

If the applicant is filing an application as a re-registration, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

On appeal, the applicant claims that he had been re-registering and filing all the requirements for TPS since 2001. He further states that he moved to another address in 2002.

The record of proceedings shows that the Notice of Decision on the initial TPS application was mailed to the wrong address at [REDACTED] and returned by the U.S. Postal Service. The applicant's address of record at that time was [REDACTED]

The director's denial of the initial application will be remanded for issuance of a final 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, 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 case is remanded to the director for further action consistent with the above.