



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER
[WAC 05 222 77266 AS IT RELATES TO SRC 01 183 56978]

Date FEB 08 2007

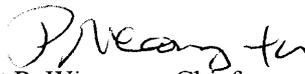
IN RE: Applicant: [REDACTED]

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

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DISCUSSION: The initial application was denied by the Director, Texas Service Center (TSC). 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 AAO, and the case will be remanded to the director of CSC 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 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.

The record reveals that the applicant filed a first Form I-821, Application for Temporary Protected Status with the TSC on April 16, 2001, during the initial registration period (SRC 01 183 56978 relates). On March 24, 2003, the director of the TSC denied the application due to abandonment because the applicant failed to submit documents in response to a Request for Additional Evidence. However, the record of proceeding reveals that the Notice of Intent to Deny mailed on January 13, 2003 did not have the applicant's name and address. Further, the Notice of Decision was mailed to the wrong address at [REDACTED] Texas instead of Lake Worth, Florida.

The director's denial of the initial application will be withdrawn, and the application will be remanded for a new decision. Since the CSC director's denial of the application for re-registration or renewal of temporary treatment benefits is dependent upon the adjudication of the initial application, the decision to deny the application for re-registration or renewal of temporary treatment benefits will also be remanded to the director for further adjudication. The director of the CSC 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 TSC director's decision is withdrawn, and the application is remanded for a new decision. The re-registration application is remanded to the director of CSC for further action consistent with a new decision on the initial application.