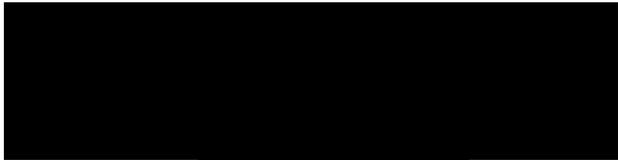




U.S. Citizenship  
and Immigration  
Services

identifying data deleted to  
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FEB 23 2007

FILE:



OFFICE: California Service Center

DATE:

[WAC 02 059 56359]

[WAC 05 212 77540]

IN RE:

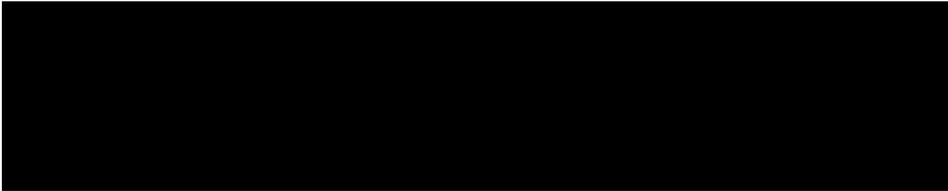
Applicant:



APPLICATION:

Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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, California Service Center. A subsequent application for re-registration was also denied by the Director, California Service Center, and is now on appeal before the Administrative Appeals Office (AAO). 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 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 an initial Form I-821, Application for Temporary Protected Status [WAC 02 059 56359], on November 30, 2001. On April 24, 2006, the director issued a Notice of Decision denying the application due to abandonment, in accordance with 8 C.F.R. § 244.9(c), on the ground that the applicant had failed to respond to a request for information issued on March 11, 2003.

Counsel asserts that the applicant never received the service center's request for information dated March 11, 2003, and a review of the record does not reveal any correspondence from the service center to the applicant on that date. The AAO concludes that the service center mistakenly failed to send a request for information to the applicant, and that the director's denial of the initial TPS application on the ground of abandonment was erroneous. Accordingly, the director's denial of the initial TPS application will be withdrawn, and the application remanded for a new decision.

On March 2, 2005, the applicant filed another Form I-821 [WAC 05 212 77540], identifying it as an application for re-registration or renewal of TPS. On April 24, 2006, the same day the initial TPS application was denied, the director also denied the re-registration application on the ground that the applicant's initial TPS application was denied, making him ineligible to re-register for TPS under 8 C.F.R. § 244.17(a).

Since the director's decision on the application for re-registration is dependent upon the adjudication of the initial application, and the initial application is being remanded, the denial of the re-registration application will also be withdrawn and the application 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.

As always in these proceedings, the burden of proof rests solely with the applicant. *See* 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 and the entry of new decisions.