



U.S. Citizenship
and Immigration
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

MAR 01 2007

[EAC 02 169 50611]

[WAC 05 208 90363]

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, Vermont Service Center (VSC). 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 Chief, Administrative Appeals Office, and the case will be remanded for further consideration and action.

The applicant is stated 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 an initial application [EAC 02 169 50611] on March 13, 2002. On September 18, 2002, the VSC director requested the applicant to submit evidence regarding his continuous residence and continuous presence in the United States. The VSC director determined that the applicant failed to respond to the September 18, 2002, request for evidence and denied the application on April 4, 2003, due to abandonment.

The applicant filed the instant Form I-821, Application for Temporary Protected Status, on April 26, 2005. The CSC director denied this application on August 16, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

A review of the record of proceedings reflects that the applicant had responded to the VSC director's September 18, 2002, request. In addition, the record reveals that the VSC director sent the notice of denial dated April 4, 2003, regarding the applicant's initial TPS application to an incorrect address at [REDACTED] A, in Charlottesville, Virginia, instead of [REDACTED] in Bristol, Florida. The applicant indicated a new address on his application for employment authorization [SRC 03 056 53180] and his re-registration for TPS filed on October 31, 2002.

The director's denial of the initial application will be withdrawn; the application will be remanded for a new 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 Hondurans.

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.