



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED] Office: California Service Center  
[WAC 05 223 86218  
as it relates to SRC 01 238 57668]

Date: MAR 05 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: 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 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 Chief, AAO, and the case will be remanded for further consideration and action.

The applicant is 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 applicant filed a first Form I-821, Application for Temporary Protected Status, with the TSC on June 20, 2001, during the initial registration period (SRC 01 238 57668 relates). The director of the TSC denied that application due to abandonment on May 28, 2003, because the applicant failed to respond to a request for evidence, dated January 13, 2003, in connection with his application. However, the record of proceedings shows that decision was in error. Specifically, the record reveals that the Notice of Intent to Deny was mailed to the wrong address. It was sent to [REDACTED] Houston, Texas 77087, the address listed on the applicant's initial TPS application and returned by the U.S. Postal Service as undeliverable. The applicant's correct address at that time was [REDACTED] Houston, Texas 77036.

The director's denial of the initial application is in error and will be withdrawn; the application will be remanded for a new decision.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 dependant upon the adjudication of the initial application. Since the initial application is being remanded, the decision to deny the application for re-registration will also 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.