



U.S. Citizenship
and Immigration
Services

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FILE:  Office: CALIFORNIA SERVICE CENTER
[WAC 05 210 85990
as it relates to WAC 03 011 53520]

Date: MAR 05 2007

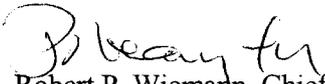
IN RE: Applicant: 

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, reopened and denied again by the Director, California Service Center (CSC). A subsequent application for re-registration was denied by the Director, 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 claims 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 applicant filed an initial application for TPS under receipt number WAC 03 011 53520. The director denied the application due to abandonment on July 10, 2003, because the applicant failed to respond to a request for evidence to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite time periods. An appeal from that decision was rejected by the AAO on June 30, 2004.

The applicant filed a motion to reopen the matter on August 4, 2004. The director of the CSC reopened the matter and again denied the application due to abandonment on February 15, 2005, because the applicant failed to respond to a notice, dated February 3, 2004, to appear for fingerprinting required in connection with his application. However, the record of proceedings shows that the director's decision was in error. Specifically, the record reveals that the fingerprint notice was mailed to the applicant at the wrong address: [REDACTED], Los Angeles, California 90004, the address listed on the applicant's initial TPS application. The applicant's correct address of record at that time was [REDACTED], Los Angeles, California 90005, the address listed on an application for re-registration filed on August 11, 2003.

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 re-registration application 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.