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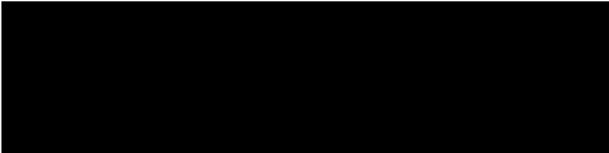


U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE:
[WAC 05 147 73700]

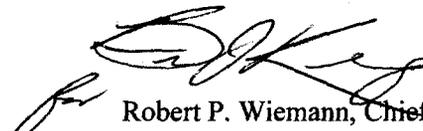
IN RE: Applicant: [REDACTED]

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 office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The case will be remanded to the director for further 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 record reveals that the applicant filed a TPS application during the initial registration period on June 11, 2001, under Citizenship and Immigration Services (CIS) receipt number WAC 01 243 50597. The director denied that application on March 11, 2004, because the applicant had failed to submit sufficient evidence to establish continuous physical presence in the United States during the requisite period.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 24, 2005, and indicated that she was re-registering for TPS.

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.

On appeal, the applicant asserts that she has no knowledge that her application had been denied on March 11, 2004. She states that when she started the [TPS] process, she was living at 15215 Rayen Street in North Hills, California, and she is still living at the same address.

As provided in 8 C.F.R. § 244.10(c), the decision of the director to deny TPS shall be in writing served in person or by mail to the alien's most recent address provided to the Service and shall state the reason(s) for the denial, and the alien shall be given written notice of his or her right to appeal a decision denying TPS.

A review of the record of proceeding indicates that the director's Notice of Decision dated March 11, 2004, was mailed to an address other than the applicant's [REDACTED]. This address was not listed by the applicant in any of her applications or documents contained in the record.

Therefore, the director's decision to deny of the applicant's initial application will be withdrawn.

The case will be remanded so that the director could reissue a Notice of Decision relating to the initial application and give the applicant notice of her right to appeal the decision. 8 C.F.R. § 244.10(c). 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. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The case is remanded for appropriate action consistent with the above discussion and entry of a new decision.