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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

NOV 28 2007

[EAC 01 150 55388]
[WAC 05 189 74868]

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 California Service Center. Any further inquiry must be made to that office.

A handwritten signature in cursive script that reads "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Vermont Service Center (VSC). A subsequent application 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 of the AAO. Both applications 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 applicant filed a first Form I-821, Application for Temporary Protected Status, with the VSC on March 19, 2001, during the initial registration period for El Salvadorans (EAC 01 150 55388 relates). On June 20, 2002, the director of the VSC denied the application due to abandonment because the applicant failed to respond to a request for evidence, dated August 30, 2001, to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite time periods. The applicant filed a motion to reopen the VSC director's denial decision on July 17, 2002, indicating a new address. The VSC director dismissed the motion on March 4, 2003, but sent his decision to the applicant's prior address.

The applicant filed a second Form I-821 with the CSC on February 14, 2005, indicating that it was an initial application. The CSC director denied the application as an application for re-registration on January 17, 2006. The applicant filed the current appeal from that decision on February 17, 2006.

The VSC director's denial of the initial application will be withdrawn, and the application will be remanded to the CSC director for a new decision. Since the CSC director's denial of the second application is dependent upon the adjudication of the initial application, the decision to deny the second application will also be remanded for further adjudication. The director of the CSC 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 (EAC 01 150 55388) is reopened, the VSC director's decision is withdrawn, and the application is remanded to the CSC director for a new decision. The second application (WAC 05 189 74868) is remanded to the CSC director for further action consistent with a new decision on the initial application.