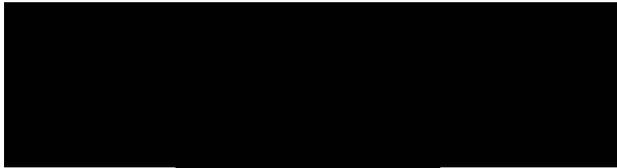




U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY



M

FILE:

[WAC 05 800 33754]
[WAC 01 174 50459]

OFFICE: CALIFORNIA SERVICE CENTER

DATE: **AUG 14 2006**

IN RE:

Applicant:



APPLICATION:

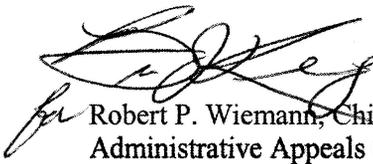
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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 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 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 record reveals that the applicant filed a TPS application during the initial registration period on April 9, 2001, under Citizenship and Immigration Services (CIS) receipt number WAC 01 174 50459. The director denied that application based on abandonment on April 7, 2004, because the applicant had failed to respond to a request to submit the final court disposition of her arrest for theft on February 17, 2001.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 25, 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.

A review of the record of proceeding indicates that on November 21, 2003, the applicant was requested to submit the certified final court disposition of any arrests in the United States, including her arrest, listed on the Federal Bureau of Investigation fingerprint results report, indicating that on February 17, 2001, in Los Angeles, California, the applicant (name used: [REDACTED]) was arrested for theft. That notice was sent to the applicant at [REDACTED]. It is noted, however, that the applicant's correct street address was [REDACTED]. The director denied the application based on abandonment on April 7, 2004. Again, the denial notice was mailed to the incorrect street address, [REDACTED].

The notices were mailed to an address other than the applicant's. Therefore, the director's decision to deny the applicant's initial application will be withdrawn.

The case will be remanded so that the director may 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.