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U.S. Citizenship  
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Services

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FILE:

OFFICE: California Service Center

Date:

APR 06 2007

[WAC 05 155 73982 as it relates to  
SRC 01 218 56246]

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, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center (CSC), and is now before the Administrative Appeals Office (AAO) on appeal. 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 record reveals that the applicant filed a first TPS application on May 22, 2001, during the initial registration period, under Citizenship and Immigration Services (CIS) receipt number SRC 01 218 56246. The Director, Texas Service Center (TSC), denied that application on October 24, 2002, due to abandonment because the applicant failed to respond to a request, dated September 5, 2002, for evidence in support of her application.

The applicant filed a second TPS application on September 4, 2003, under CIS receipt number LIN 03 262 52044. The Director, Nebraska Service Center (NSC), denied that application on December 11, 2003, because the applicant failed to establish that she was eligible for late registration. The applicant filed an appeal with the AAO on January 5, 2004, and the AAO dismissed the appeal on May 27, 2005.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on March 4, 2005, and indicated that she was re-registering for TPS.

The CSC director denied the re-registration application on May 5, 2006, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. The applicant filed her current appeal from that decision on June 11, 2006.

The record of proceedings, however, shows that the request for evidence and denial of the initial TPS application were mailed to the wrong address at [REDACTED] and returned as undeliverable by the U.S. Postal Service (USPS). On September 11, 2002, the applicant had provided CIS with her updated address at [REDACTED].

The director's denial of the initial application will be remanded for issuance of a new decision regarding the initial TPS application. The director's denial of the application for re-registration or renewal is dependent 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 case is remanded to the director for further action consistent with the above.