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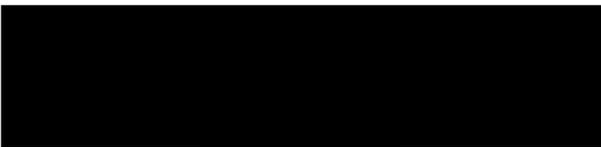
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



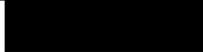
U.S. Citizenship
and Immigration
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **MAR 29 2007**

[WAC 05 208 80927]

[SRC 01 207 55349]

IN RE:

Applicant:



APPLICATION:

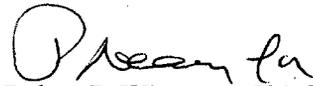
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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 by the Director, Texas Service Center (TSC). A subsequent application for re-registration 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, Administrative Appeals Office, and the case 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 record reveals that the applicant filed a first Form I-821, Application for Temporary Protected Status, on May 15, 2001, under Citizenship and Immigration Services (CIS) receipt number SRC 01 207 55349. The application was denied due to abandonment by the TSC Director on February 20, 2003, because the applicant failed to respond to a request for evidence in connection with his application. On September 9, 2004, the TSC reopened the case. On January 18, 2005, the director again denied the application due to abandonment because the applicant failed to appear for his fingerprinting appointment.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 26, 2005, and indicated that he was re-registering for TPS. The CSC director denied the re-registration application on August 31, 2005, because the applicant's initial TPS application had been denied and the applicant was therefore not eligible to apply for re-registration under TPS. The applicant filed his current appeal from that decision on September 21, 2005.

On appeal, the applicant claims that he never received the decision denying his initial TPS application. The record of proceedings reveals that the director's decision was in error. The fingerprint notice was mailed on October 20, 2004, to [REDACTED] This mailing address was incorrect because the applicant had provided a new address as [REDACTED] 2003. The Notice of Decision dated January 18, 2005, was also mailed to the wrong address.

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, that decision will 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.