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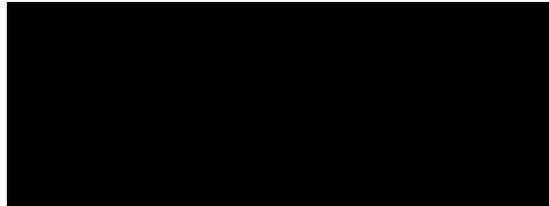
Office: California Service Center

Date: **AUG 28 2006**

[WAC 05 210 72515]

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, California Service Center. A subsequent application for re-registration was denied by the Director, California Service Center, 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 stated 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 applicant filed an initial application for TPS on July 5, 2002, under receipt number WAC 02 229 51575. The director denied the initial application on February 10, 2004, after determining that the applicant had failed to provide evidence of her continuous physical presence in the United States since March 9, 2001.

However, the record of proceedings reveals that the director's decision was in error. The record reveals that the applicant's initial TPS application was not approved; however, she applied for re-registration on August 11, 2003 and April 28, 2005. In the applicant's initial TPS application, filed on July 5, 2002, she provided an address of "[REDACTED] Van Nuys, CA." In the applicant's re-registration application, filed on August 11, 2003, she provided an address of "[REDACTED] Van Nuys, CA." On September 4, 2003, a Notice of Intent to Deny was sent to the applicant at "[REDACTED] Van Nuys, CA." The applicant failed to respond to the notice. When the applicant failed to submit any evidence establishing her continuous physical presence, the director sent a Notice of Decision to "[REDACTED] Van Nuys, CA."

In her appeal, the applicant states she has been in the United States since 2000. It is noted that the Notice of Intent to Deny was not sent to the applicant's last known address of "[REDACTED] Van Nuys, CA," which she provided on August 11, 2003. Therefore, the director's decision on the initial application will be withdrawn and the application will be remanded for a new decision. The director's denial of the application for re-registration is dependent 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.

It is noted that the applicant was deported from the United States to El Salvador on April 6, 2001.

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.