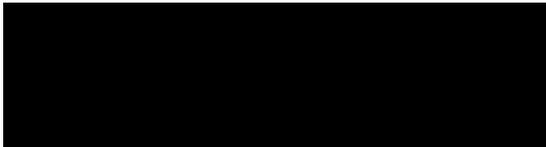


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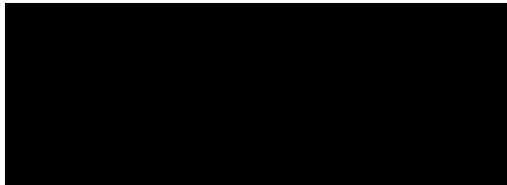
OFFICE: California Service Center

Date:

AUG 28 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 California Service Center. 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, Texas 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 May 23, 2001, under receipt number SRC 01 219 56020. The Texas Service Center director denied the initial application on May 7, 2003, after determining that the applicant had abandoned his application by failing to establish his continuous physical presence in the United States since March 9, 2001 and his continuous residence in the United States since February 13, 2001.

However, the record of proceedings reveals that the Texas Service Center director's decision was in error. The record reveals that the applicant's initial TPS application was not approved; however, he applied for re-registration on September 30, 2002, October 30, 2003, and May 3, 2005. In the applicant's initial TPS application, filed on June 23, 2001, he provided an address of [REDACTED] KY." In the applicant's re-registration application, filed on September 30, 2002, he provided an address of [REDACTED] KY." On May 7, 2003, a Notice to Deny was sent to the applicant at "[REDACTED] Bowling Green, KY." The record does not reflect that the applicant filed a motion to reopen within 30 days of the denial notice.

In his appeal, the applicant states that he never received a notice regarding his ineligibility for TPS. It is noted that the Notice to Deny was not sent to the applicant's last known address of [REDACTED] which he provided on September 30, 2002. Therefore, the Texas Service Center director's decision on the initial application will be withdrawn and the application will be remanded for a new decision. The California Service Center 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 California Service Center 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 Texas Service Center director's decision is withdrawn, and the application is remanded to the California Service Center for a new decision. The re-registration application is remanded for further action consistent with the director's new decision on the initial application.