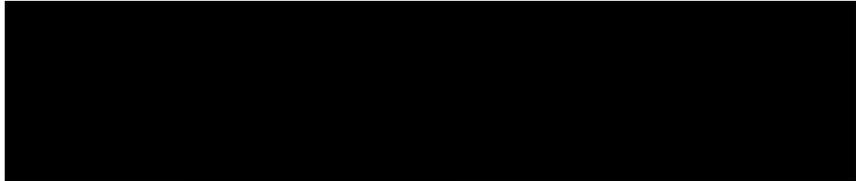


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**U.S. Citizenship  
and Immigration  
Services**

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prevent clearly unwarranted  
invasion of personal privacy**



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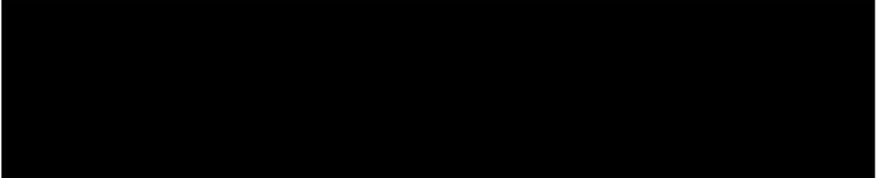
Office: CALIFORNIA SERVICE CENTER

Date:

[WAC 05 221 74413]

IN RE:

Applicant:



APPLICATION:

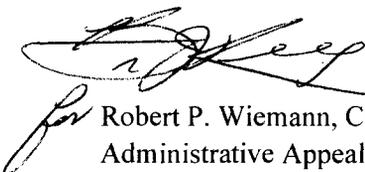
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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.

  
for 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 claims to be 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 applicant filed an initial application for TPS on September 9, 2002, under receipt number WAC 03 029 51422. On December 16, 2003, the applicant was requested to provide evidence of her continuous physical presence in the United States since March 9, 2001 and her photo identification. The applicant failed to respond to the request for evidence. The director denied the initial application on April 10, 2004, after determining that the applicant had abandoned her application by failing to respond to a request for evidence.

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 November 13, 2002, July 25, 2003, and May 9, 2005. In the applicant's re-registration applications, filed on November 13, 2002 and July 25, 2003, she provided an address of [REDACTED] Los Angeles, CA." On December 16, 2003, a Request for Evidence was mailed to the applicant at [REDACTED] Los Angeles, CA." The applicant failed to reply to the evidence request. On April 10, 2004, the California Service Center sent a Notice of Decision to Deny to [REDACTED] Los Angeles, CA." It is noted that this Notice of Decision was returned to Citizenship and Immigration Services (CIS).

In her appeal, the applicant states that she never received the request for evidence. It is noted that the Request for Evidence was not sent to the applicant's last known address of [REDACTED] Los Angeles, CA," which she provided on November 13, 2002 and July 25, 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.

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 California Service Center 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.