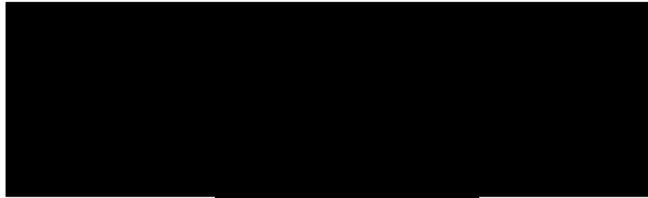


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prevent clearly unwarranted
invasion of personal privacy**



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



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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date:
[WAC 05 215 73740]

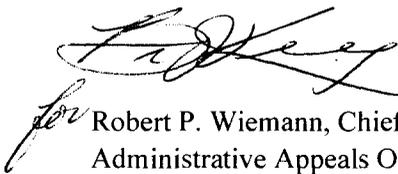
IN RE: Applicant: [REDACTED]

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 13, 2001, under receipt number WAC 01 295 52320. The director denied the initial application on March 29, 2004, after determining that the applicant failed to reply 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 September 11, 2002, July 23, 2003, and May 3, 2005. In the applicant's re-registration applications, filed on September 11, 2002, July 23, 2003, and May 3, 2005, she provided an address of [REDACTED] Los Angeles, CA." On November 17, 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 March 29, 2004, the California Service Center sent a Notice of Decision to Deny to [REDACTED] Los Angeles, CA."

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 September 11, 2002 and July 23, 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.