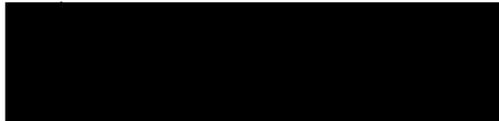




U.S. Citizenship  
and Immigration  
Services

identifying data deleted to  
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FILE:



Office: CALIFORNIA SERVICE CENTER

FEB 27 2007  
Date:

[WAC 05 207 88125  
as it relates to SRC 02 057 52681]

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.

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, AAO, and the case will be remanded for further consideration and action.

The applicant is 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.

Although a Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted, the individual named is not authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

The record reveals that the applicant filed a first Form I-821, Application for Temporary Protected Status, with the TSC on December 12, 2001, during the initial registration period (SRC 02 057 52681 relates). That application was denied due to abandonment on March 24, 2003, because the applicant failed to respond to a request for evidence in connection with his application. However, the record of proceedings reveals that the decision was in error. Specifically, the record reveals that the request for evidence and the denial of the application were mailed to the wrong address: [REDACTED] Lakeworth, Florida 33461-5249, and returned by the U.S. Postal Service as undeliverable. A review of the record shows that the applicant's address of record at that time at [REDACTED] Lakeworth, Florida 33461.

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, the decision to deny the re-registration application will also 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.