



U.S. Citizenship  
and Immigration  
Services

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

**PUBLIC COPY**



MI

JAN 25 2007

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date:  
[SRC 01 212 55790]  
[WAC 05 225 73314]

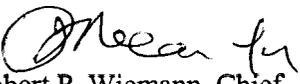
IN RE: Applicant: [REDACTED]

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 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. 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 TPS application with the Immigration and Naturalization Service, now Citizenship and Immigration Services (CIS), on May 21, 2001, under receipt number SRC 01 212 55790. The Director of the Texas Service Center denied the initial application on May 23, 2003, after determining that the applicant had abandoned his application by failing to respond to a request for additional evidence dated February 6, 2003. However, the record of proceedings reveals that the director's decision was in error. Specifically, the record reveals that both the notice of intent to deny and the denial decision were mailed to the applicant at the address he listed on his initial Form I-821, [REDACTED]. The applicant reported a new address on his Form I-765, Application for Employment Authorization, filed with the California Service Center on October 29, 2002, [REDACTED] (Receipt number WAC 03 022 51466 relates). Since the notice of intent to deny and the denial decision were not mailed to the applicant's most current address, he was deprived of the opportunity to respond to the notice of intent to deny in a timely fashion and to file a timely motion to reopen his case.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 13, 2005, and indicated that he was re-registering for TPS or renewing his temporary treatment benefits. The director denied the application on August 16, 2005, because the applicant's initial TPS application had been denied and he was not eligible for re-registration or renewal of temporary treatment benefits.

The denial of the initial application 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 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 record of proceeding, as it is presently constituted, does not contain sufficient evidence to establish the applicant's identity and nationality, his continuous residence in the United States since February 13, 2001, and his continuous physical presence in the United States since March 9, 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.