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MAR 06 2007

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER  
[LIN 02 200 53343]  
[WAC 05 160 74093]

Date:

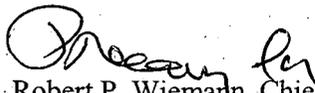
IN RE: Applicant: [REDACTED]

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. Wieman, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial application was denied by the Director, Nebraska 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 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 his initial TPS application with the Nebraska Service Center during the initial registration period under receipt number Lin 02 200 53343. The Director of the Nebraska Service denied the application on January 29, 2003, after determining that the applicant had abandoned his application by failing to respond to a request for additional evidence dated July 18, 2002. However, the record of proceedings reveals that the director's decision was in error. Specifically, the record reveals that the denial decision was not mailed to the applicant's address of record. The denial decision was mailed to the applicant at "[REDACTED]" The applicant had reported a new address, "[REDACTED]" on his Form I-765, Request for Employment Authorization, filed with the California Service Center on October 16, 2002, under receipt number WAC 03 071 51953. Since the applicant never received the denial decision, he was deprived of the opportunity to file a motion to reopen the case.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on March 9, 2005, and indicated that he was re-registering for TPS or renewing his temporary treatment benefits.

The director's 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 applicant has not submitted sufficient evidence to establish his qualifying continuous residence in the United States since February 13, 2001, and 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.