

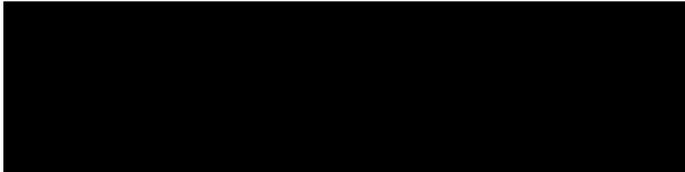
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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE:

Office: CALIFORNIA SERVICE CENTER

Date: APR 02 2007

[WAC 05 2047 72208]

[WAC 01 241 55150]

IN RE:

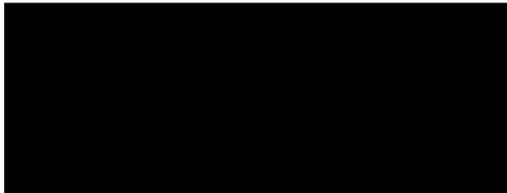
Applicant:



APPLICATION:

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

ON BEHALF OF APPLICANT:



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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial application was denied by the Director, California Service Center (CSC). A subsequent application for re-registration was denied by the Director, 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.

The applicant filed his initial application for TPS under receipt number WAC 01 241 55150. The Director, Texas Service Center, (TSC), denied that application on July 28, 2003, after determining that the applicant had abandoned his application by failing to respond to a request to appear for fingerprinting sent to him on May 6, 2002. The applicant filed the current application, on April 22, 2005, and indicated that he was re-registering for TPS. The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

Prior to the denial of his initial TPS application by the Director, CSC, the applicant filed a subsequent Form I-821, Application for Temporary Protected Status, and a subsequent Form I-765, Application for Employment Authorization, providing updated address information. However, the CSC director sent the applicant a denial notice dated July 28, 2003 concerning his initial Form I-821 to the address that he listed on his initial application and not to the latest address that he had provided for the record.

It is noted that it is possible that the May 6, 2002 Fingerprint Notification cited by the director in the July 28, 2003 decision was not sent to the applicant because the only copy in the record is clearly marked "APPLICANT COPY." Additionally, the record reflects that the applicant's fingerprints were taken and sent to the Federal Bureau of Investigation by Citizenship and Immigration Services on June 22, 2005 and on April 20, 2006.

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 is also withdrawn as it is dependent upon the adjudication of the initial application. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS.

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.