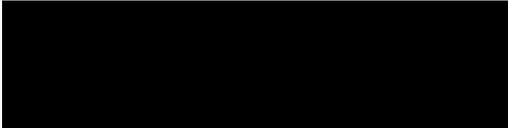


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Services

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FILE:



OFFICE: California Service Center

Date:

AUG 28 2006

[WAC 05 198 70778]

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 office that originally decided your case. 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, 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 is stated to be 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 an initial application for TPS on January 15, 2002, under receipt number WAC 02 089 55464. The director denied the initial application on October 14, 2004, after determining that the applicant had abandoned his application by failing to be fingerprinted.

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, he applied for re-registration on September 12, 2002, September 11, 2003, and April 16, 2005. In the applicant's initial TPS application, filed on January 15, 2002, he provided an address of "[REDACTED] Lynwood, CA." In the applicant's re-registration application, filed on September 11, 2003, he provided his current address of "[REDACTED] Victorville, CA." On March 16, 2004, a fingerprint notice was sent to the applicant at "[REDACTED] Victorville, CA." The applicant failed to appear for the fingerprinting appointment. When the applicant failed to appear for his fingerprint appointment, the director sent a Notice of Denial Due to Abandonment to "[REDACTED] Lynwood, CA."

In his appeal, the applicant requested 90-days to submit a brief, but stated he previously submitted proof of continuous residence in the United States. It is noted that the Notice of Denial Due to Abandonment was not sent to the applicant's last known address of "[REDACTED] Victorville, CA," which he provided on September 11, 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 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.