



U.S. Citizenship  
and Immigration  
Services

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FILE:

[REDACTED]

OFFICE: CALIFORNIA SERVICE CENTER

DATE: JUL 25 2006

[WAC 03 057 51182]

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 office that originally decided your case. Any further inquiry must be made to that office.

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

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center. The application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office, and will be remanded to the Director, California Service Center, for further consideration and action.

The applicant claims 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 director denied the initial TPS application on February 24, 2004, after determining that the applicant had abandoned his application by failing to appear for fingerprinting on October 15, 2003. The record reveals that the applicant subsequently was fingerprinted and the Federal Bureau of Investigation fingerprint results reports dated March 5, 2005 and April 28, 2006, do not reflect a criminal record that would bar the applicant from receiving TPS.

Since the applicant appears to have overcome the sole ground for the denial of his initial application for TPS, that decision will be withdrawn and the application will be remanded to the director for further adjudication.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 El Salvadorans.

It is noted that the applicant filed his initial TPS application on November 18, 2002, after the initial registration period for El Salvadorans (from March 9, 2001 to September 9, 2002) had closed. The applicant should be accorded the opportunity to submit evidence to show that during the initial registration period, he fell within the provisions described in 8 C.F.R. § 244.2(f)(2).

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 application is reopened and the director's decision is withdrawn. The application is remanded for a new decision.