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**U.S. Citizenship  
and Immigration  
Services**

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FILE:



OFFICE: CALIFORNIA SERVICE CENTER

DATE: JUL 25 2006

[WAC 05 141 74203]

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.

for Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The case will be remanded 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 applicant filed the current Form I-821, Application for Temporary Protected Status, on February 18, 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.

The record reveals that the applicant filed his initial TPS application during the initial registration period under CIS receipt number WAC 03 057 51182. The director denied that application on February 24, 2004, after determining that the applicant had abandoned his application by failing to appear for fingerprinting. However, the record also 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appears to have overcome the sole ground for the denial of his initial application for TPS, that decision has been withdrawn and the application was remanded to the director for further adjudication. The director's denial of the current application for re-registration/renewal is dependant upon the adjudication of the initial application; therefore, the current application will also be remanded to the director for further action.

Although the applicant has not yet established his eligibility for Temporary Protected Status, his initial application has been reopened and is currently pending adjudication; therefore, the applicant is eligible for Temporary Treatment Benefits under 8 C.F.R. § 274a.12(c)(19).

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 case is remanded for further action consistent with the director's new decision on the initial application.