



U.S. Citizenship  
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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: JUL 28 2006

[SRC 01 179 55105]  
[WAC 05 200 70879]

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.

*Cindy N. Gomez for*  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial application was approved by the Director, Texas Service Center on September 18, 2002. A subsequent application for re-registration and a Motion to Reopen or Reconsider were denied by the Director, California Service Center. The Chief, Administrative Appeals Office, will reopen the re-registration application 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 an initial application for TPS under receipt number SRC 01 179 55105 on April 12, 2001. That application was approved on September 18, 2002.

The applicant filed a re-registration application on April 18, 2005. The director denied the re-registration application on September 6, 2005, due to abandonment, because the applicant failed to appear for fingerprinting.

The applicant filed a Motion to Reopen or Reconsider on September 20, 2005. The director dismissed the motion on November 17, 2005, because the motion did not state reasons for reconsideration.

However, the record reveals that the notice to appear was sent to the wrong address, and no record exists, in either the electronic record or the record of proceedings, of the fingerprint notification having been mailed to the applicant.

The director's denial of the re-registration application will be withdrawn; the application will be remanded for a new decision. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS.

It is also noted that the initial TPS approval has never been withdrawn.

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 re-registration application is reopened, the director's decision is withdrawn, and the application is remanded for a new decision.