U.S. Department of Homeland Security
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Washington, DC 20529

U.S. Citizenship and Immigration Services

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[redacted]

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: MAY 30 2006
[SRC 03 012 55000]
[WAC 05 152 71557]

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 California Service Center. Any further inquiry must be made to that office.

for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Texas Service Center (TSC). 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 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 Citizenship and Immigration Services (CIS) receipt number SRC 03 012 55000. The TSC Director denied the initial application on October 2, 2003, after determining that the applicant had abandoned her application by failing to appear for fingerprinting. However, the record also reveals that the applicant subsequently was fingerprinted and the Federal Bureau of Investigation (FBI) criminal history printouts dated June 28, 2005, does not reflect a criminal history that would bar the applicant from receiving TPS.

Since the applicant appears to have overcome the sole ground for denial of her initial application for TPS, the TSC Director's denial of the initial application will be withdrawn; the application will be remanded for a new decision. The California Service Center director's denial of the application for re-registration or renewal 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.

Although the applicant has not yet established her eligibility for TPS, her 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 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.