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

MM

NOV 20 2006

FILE:

[WAC 05 225 84138]

OFFICE: CALIFORNIA SERVICE CENTER Date:

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 May 29, 2001, under receipt number WAC 01 240 55485. The California Service Center director denied the initial application on June 1, 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 on November 25, 2002, the applicant was requested to appear for fingerprinting on January 11, 2003. The fingerprint notice was sent to the applicant at [REDACTED] " In his re-registration application, filed on November 13, 2002, the applicant provided an address of "[REDACTED] CA." Since the Fingerprint Notification was not sent to the applicant's last known address, the director's decision on the initial application will be withdrawn and the application will be remanded for a new decision.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 to the California Service Center for a new decision. The re-registration application is remanded for further action consistent with the director's new decision on the initial application.