

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**



M 1

FILE: [REDACTED]  
[WAC 05 153 78414]  
[SRC 01 180 62457]

Office: CALIFORNIA SERVICE CENTER

Date: **AUG 20 2007**

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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial application was denied by the Director, Texas 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 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 record reveals that the applicant filed a TPS application during the initial registration period on April 16, 2001 under CIS receipt number SRC 01 180 62457. The Director, Texas Service Center denied that application for abandonment on July 22, 2004, because the applicant failed to appear for fingerprinting. However, the record of proceedings reveals that the director's decision was in error. Specifically, the record reveals that the fingerprint notification was sent to an old address on at least two occasions.

On his initial TPS application, the applicant listed his address as [REDACTED] Margate, Florida. On January 16, 2002, the applicant submitted a Form I-131, Application for Travel Document, indicating the applicant's address was [REDACTED], Uncasville, Connecticut. The applicant also submitted a Form I-765, Application for Employment Authorization on November 1, 2002 indicating the applicant's address was [REDACTED] Union City, New Jersey. On January 23, 2003, and again on April 4, 2004, the Service issued Form I-797C Fingerprint Notifications to [REDACTED], Margate, Florida. The first fingerprint notice was sent more than two months after the Service was informed of the applicant's change of address. Consequently, the applicant did not receive the fingerprint notices. It is noted that a subsequent Form I-797C was sent to the applicant's correct address on February 4, 2005. CIS records indicate that the applicant's fingerprints were processed by the Federal Bureau of Investigation (FBI) on July 27, 2001, March 28, 2005, and April 28, 2006, with no adverse information found.

The director's denial of the initial application will be withdrawn; the application will be remanded for a new decision. The 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.

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.