



U.S. Citizenship
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Services

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JAN 30 2008

FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER

Date:

[SRC 01 168 57155]
[WAC 05 192 70596]

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 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, 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 claims to be 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 01 168 57155. The director denied the initial application on November 9, 2004, after determining that the applicant failed to appear for his fingerprinting appointment and, therefore, had abandoned his application. However, the record of proceedings reveals that the director's decision was in error. Specifically, the record reveals that the fingerprint notice was mailed on September 29, 2004. However, the appointment date was for July 7, 2004, a date that had already passed. The record reveals that the applicant subsequently was fingerprinted on June 7, 2005, and no criminal record was revealed.

The director's denial of the initial application is in error and will be withdrawn; the application will be remanded for a new decision.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 dependant 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 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 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.