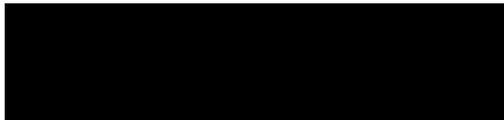




U.S. Citizenship  
and Immigration  
Services

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prevent clearly unwarranted  
invasion of personal privacy



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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: MAR 05 2007

[WAC 05 216 71727 AS IT RELATES TO SRC 01 208 54596]

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 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 (TSC). A subsequent application for re-registration was denied by the Director, California Service Center (CSC), 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 Form I-821, Application for Temporary Protected Status, during the initial registration period under receipt number SRC 01 208 54596. The TSC director denied the initial application on June 6, 2004, due to abandonment because the applicant failed to appear for a fingerprinting appointment. However, the record of proceeding reveals that the request to appear for fingerprinting, and the director's denial of the application, were mailed to the applicant at a wrong address and returned as undeliverable by the U.S. Postal Service.

The record also indicates that the applicant's fingerprints were taken on June 21, 2005, and April 20, 2006. The result shows that the applicant was arrested on April 24, 1999 in Austin, Texas and charged with Driving While Intoxicated.

The TSC director's denial of the initial application is in error and will be withdrawn; the application will be remanded for a new decision. The CSC 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, the decision to deny the application for re-registration will also 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.