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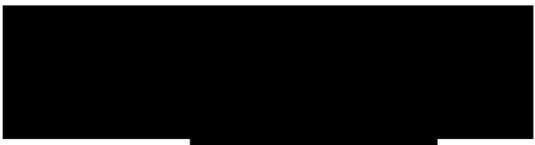
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER Date: NOV 08 2007
[WAC 05 200 75458 -
as it relates to SRC 01 175 56582]

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 (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, AAO, 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 a first Form I-821, Application for Temporary Protected Status, on April 13, 2001, during the initial registration period (SRC 01 175 56582 relates). The TSC director denied the application due to abandonment on October 5, 2004, after determining that the applicant had failed to respond to a request to appear for fingerprinting required in connection with her application.

The applicant filed the current Form I-821 with the CSC on February 18, 2005, and indicated that she was re-registering for TPS.

The director denied the re-registration application on January 24, 2006, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.¹ The applicant filed her current appeal from that decision on February 1, 2006.

On appeal, the applicant claims that she appeared for her fingerprinting appointment on April 29, 2004; however, she had some cuts on her fingers and was told to return after they had healed. When she returned at a later date, she was informed that the time-frame for her fingerprinting appointment had expired and that she would receive a new fingerprinting appointment notice. In support of the appeal, the applicant submits a photocopy of her fingerprinting appointment notice with a hand-written notation instructing her to return anytime after the cuts had healed.

The record shows that the applicant did not intend to abandon her TPS application. She initially appeared for a fingerprint appointment on December 5, 2001. She again appeared on April 24, 2004, but was instructed to return after cuts on her fingers had healed. She then returned on June 21, 2005.²

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, the denial of the re-registration application 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.

¹ If an applicant is filing an application as a re-registration, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

² It is noted that each of the applicant's fingerprint results reports reveal that she was "unclassifiable."

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.