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U.S. Citizenship  
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Services

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[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date: **AUG 25 2006**

[WAC 05 113 70293]

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:

[REDACTED]

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.

*Cindy N. Gomez*

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center, (CSC), and is now before the Administrative Appeals Office on appeal. The appeal will be sustained, and the application approved.

The applicant is 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 record reveals that the applicant filed a Form I-821, Application for Temporary Protected Status, under Citizenship and Immigration Services (CIS) receipt number SRC 01 201 55423. The Director, Texas Service Center, (TSC), denied that application on January 27, 2004, because the applicant had abandoned his application by failing to appear for fingerprinting. The applicant filed a motion to reopen which was denied by the TSC director.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 21, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

If the 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.

In this case, the applicant has not previously been granted TPS because he had not appeared for fingerprinting. However, on appeal, the applicant forwarded a copy of his Form I-797C, Fingerprint Notification, showing that he appeared for fingerprinting at a CIS office in Dallas, Texas, and that his prints were taken on March 25, 2005. The record shows that they were then forwarded to the Federal Bureau of Investigation (FBI). The applicant's FBI fingerprint report results identified no derogatory information.

The applicant has satisfied all other eligibility requirements for TPS. Therefore, the application is approved.

An alien applying for temporary protected status has the burden of proving that he or she meets the above requirements and is eligible under the provisions of section 244 of the Act. The applicant has met this burden.

**ORDER:** The appeal is sustained.