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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE:

[REDACTED]
[WAC 05 060 73636]

Office: CALIFORNIA SERVICE CENTER

Date: JUN 19 2006

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.

Cindy N. Gomez
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, California Service Center. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office, and the application will be approved. 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 appeal will be sustained and the application will be approved.

The applicant is a citizen of Honduras 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 WAC 99 191 52427. The director denied the initial application for abandonment on December 7, 2000, after determining that the applicant had failed to appear for fingerprinting.

However, the record of proceedings reflects that the applicant filed a motion to reopen on January 2, 2001. The applicant explained that she had not appeared for her June 23, 2000 fingerprinting appointment because she had moved and had not received the notice. A Form I-797C, Receipt Notice, acknowledging receipt of the motion was mailed to the applicant on January 31, 2001, and a new Fingerprint Notification was mailed to the applicant on February 16, 2001. The applicant was subsequently fingerprinted on March 5, 2001, but the record does not reflect that the director completed adjudication of the application.

The applicant's subsequent Form I-765, Application for Employment Authorization, (SRC 03 135 95385) was denied on June 6, 2003. The director stated in that decision that the applicant was ineligible for employment authorization because her application for TPS had been denied on February 6, 2001. However, the record does not contain a copy of that decision.

The record reflects that the applicant was fingerprinted on March 5, 2001, January 20, 2005, and April 4, 2006. The Federal Bureau of Investigation fingerprint results reports indicate that the applicant had no criminal record.

The record of proceedings contains sufficient evidence to establish the applicant's eligibility for TPS and does not reflect any grounds that would bar the applicant from receiving TPS. Therefore, the director's decision will be withdrawn and the initial application will be approved.

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 approved, the appeal from the denial of the re-registration will be sustained and that application will also be approved. The applicant is eligible for employment authorization under 8 C.F.R. § 274a.12(a)(12).

ORDER: The application is reopened and the director's denial of the initial application is withdrawn. The appeal is sustained.