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FILE: [REDACTED]
[SRC 03 063 54433]

Office: Texas Service Center

Date: **JUN 20 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:

[REDACTED]

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
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office on appeal. The director's decision will be withdrawn and the applicant's appeal will be sustained.

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 director denied the application because the applicant failed to establish that he was eligible for late registration.

On appeal, the applicant submits a statement and additional documentation.

The record reveals that the applicant did file an initial application for TPS during the initial registration period. That application was denied on May 7, 2002 for abandonment based on the applicant's failure to appear for his fingerprinting appointment.

The applicant filed a subsequent Form I-821, Application for Temporary Protected Status, on December 26, 2002, for re-registration. The director treated this as an initial late registration on application and denied this second application because it was filed outside of the initial registration period and because the applicant had failure to establish his eligibility for filing under the provisions of late registration.

On June 23, 2003, the applicant was requested to submit evidence establishing his eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2). The applicant responded with evidence of his continuous residence and continuous physical presence in the United States.

The director determined that the applicant had failed to establish he was eligible for late registration and denied the application on July 29, 2003.

On appeal, the applicant states that he has been residing continuously in the United States with the exception of one short trip to his country in March of 2002, with a return to the United States in April of 2002.

It is noted that the director initially denied the application on May 7, 2002, due to abandonment because the applicant failed to appear for fingerprinting. However, the record indicates that the applicant did have his fingerprint request record with the Federal Bureau of Investigations processed on September 13, 2001 and, again, on January 31, 2003. Therefore, the sole reason for the director's initial denial has been overcome. As there are no other known grounds of ineligibility; the director's decision will be withdrawn and the appeal will be sustained.

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

ORDER: The director's decision is withdrawn and the appeal is sustained.