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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: OCT 03 2006

[SRC 02 235 54227]  
[WAC 05 186 73115]

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:



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 initial application was denied, reopened, and denied again by the Director, Texas 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 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 his initial application for TPS under receipt number SRC 02 235 54227. The Director, Texas Service Center (TSC) denied the initial application on January 29, 2004, due to abandonment because the applicant failed to respond to a request for evidence. The applicant filed a motion to reopen on February 25, 2004, which was granted by the TSC director. On January 21, 2005, the TSC director again denied the application due to abandonment after determining that the applicant had failed to appear for his fingerprint appointment.

The record reveals that the applicant subsequently was fingerprinted and the most recent FBI criminal history response dated June 19, 2006, does not reflect a criminal record that would bar the applicant from receiving TPS. Additionally, 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 Therefore, the TSC director's decision will be withdrawn and the initial application will be approved.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 initial application and the re-registration application are both approved.