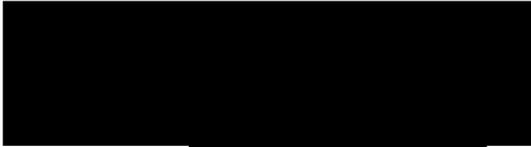


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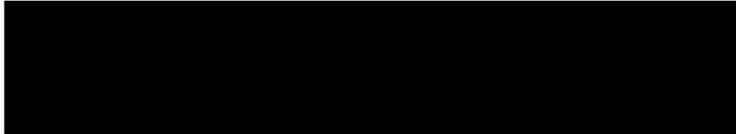


FILE: [REDACTED]  
[LIN 01 264 51696]  
[LIN 03 057 50632]

Office: NEBRASKA SERVICE CENTER

Date: SEP 07 2006

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: 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.

*Robert P. Wiemann for*  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial application was denied by the Director, Nebraska 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 was denied by the Nebraska Service Center Director, 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 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 an initial application for TPS on September 7, 2001, during the initial registration period, under Citizenship and Immigration Services (CIS) receipt number LIN 01 264 51696. The director denied the initial application due to abandonment on August 27, 2002, after determining that the applicant had failed to appear for his required fingerprinting appointment. However, the record also reveals that the applicant subsequently was fingerprinted, and the Federal Bureau of Investigation (FBI) criminal history printout dated February 4, 2003, indicates that the applicant was identified as not having a criminal or other record that would bar him from receiving TPS, as of that date.

Since the applicant appears to have overcome the sole ground for denial of his initial application for TPS, the director's denial of the initial application will be withdrawn.

The applicant filed a subsequent application for TPS under CIS receipt number LIN 03 057 50632, that is now before the AAO. The Nebraska Service Center Director denied that application on June 5, 2003, after determining that the applicant had failed to establish his eligibility for late initial registration. The director noted that the applicant had submitted sufficient evidence to establish his continuous residence and continuous physical presence in the United States during the requisite periods.

On appeal, the applicant states that he believes he is eligible for TPS. In support of the appeal, he submits additional evidence consisting of: CIS receipt notices for his applications; additional copies of the applications; an employer letter; cancelled money orders payable to the Immigration and Naturalization Service for his applications; his Employment Authorization documents (EAD); State of Utah Identification Card issued on November 24, 2000; State of Utah Driver License issued on February 13, 2001; his Social Security Card; his El Salvadoran passport issued by the Consulate General, San Francisco, California, on May 1, 2002; a Utah Vehicle Registration Certificate dated in 2003; Internal Revenue Service documents dated between 1997 and 2000; and, insurance documents, medical documents, loan documents, credit union slips, pay stubs, 401(K) plan information, receipts, and billing statements dated in 2000, 2001, 2002 and 2003.

In this case, the only stated reason for denial of the initial TPS application has been overcome, and the abandonment denial on the initial application is withdrawn. Therefore, the current Form I-821, is then properly considered as an application for re-registration, and the applicant need not meet the additional requirements for late initial registration.

The record includes evidence of the applicant's nationality, and his continuous residence and continuous physical presence during the requisite periods. 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 denial decisions will be withdrawn, the appeal will be sustained, and the TPS applications will be approved.

An alien applying for temporary protected status 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 initial application is reopened and the director's denial of the application is withdrawn. The initial application is approved. The appeal is sustained.