

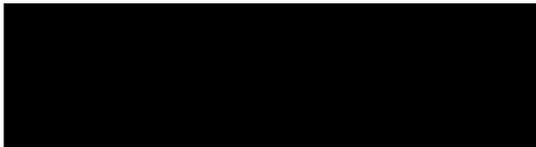


U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER
[SRC 01 204 53999, as it relates to WAC 05 152 75885]

Date DEC 04 2007

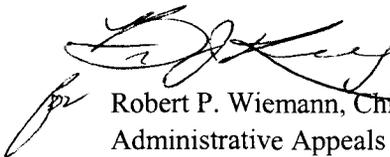
IN RE: Applicant: [REDACTED]

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.


Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Texas Service Center. 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 initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office. The appeal will be sustained and the applications 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 an initial application for TPS on May 7, 2001, under receipt number SRC 01 204 53999¹. The Director, Texas Service Center (TSC) denied the initial application on February 3, 2005, after determining that the applicant had failed to appear for his fingerprint appointment.

On March 1, 2005, the applicant filed a TPS re-registration application under receipt number WAC 05 152 75885, which was denied by the CSC director because the initial application was denied and the applicant was not eligible for TPS re-registration.

The record reveals that the applicant subsequently was fingerprinted and the Federal Bureau of Investigation criminal history responses dated September 26, 2001, April 25, 2005, and April 6, 2006, do not reflect a criminal record that would bar the applicant from receiving TPS.

In addition, the record contains a fingerprint notification letter dated June 24, 2004 which was sent to the applicant's former address at [REDACTED] in Waco, Texas, and post-dated his fingerprint appointment for June 3, 2004.

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 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.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

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. The appeal is sustained.

¹ The applicant also filed TPS re-registration applications in 2002, 2003, and now, 2006.