

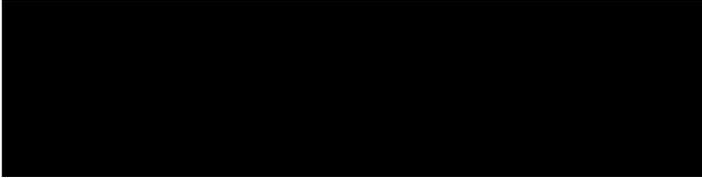
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Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: JUN 11 2007

[consolidated within]

~~W~~AC 05 203 77502 as it relates to EAC 02 093 50617]

IN RE:

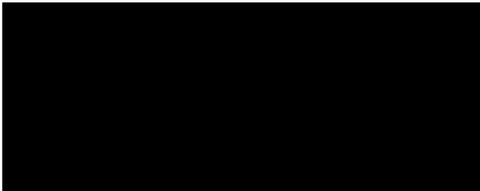
Applicant:



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.

Cindy N. Gomez for

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Vermont Service Center. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office. 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 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 under receipt number EAC 02 093 50617. The Director, Vermont Service Center, denied the initial application on April 8, 2003, after determining that the applicant had failed to submit final court dispositions stemming from his arrests on February 25, 1999, and May 19, 2001 for stalking persons.

The applicant appealed the director's decision on May 7, 2003. The AAO dismissed the appeal on April 5, 2004, after determining that the applicant failed to submit a final court disposition stemming from his May 19, 2001 arrest.

On appeal, the applicant submits a final court disposition regarding his May 19, 2001 arrest that indicates the charges stemming from that arrest were dismissed by the court on July 24, 2003. The record also shows that the applicant was convicted of one count of misdemeanor disorderly conduct on May 8, 2000. The applicant submitted a conviction data report that was completed by the court clerk of Arlington County, Virginia, in which it is stated that the applicant was arrested on January 28, 2005, and charged with assault and battery. The record also shows that the applicant was charged with failure to appear on January 31, 2005. The record further shows that the assault and battery charge was "no papered" on May 5, 2005, and the failure to appear charge was dismissed on the same date. Therefore, the record of proceeding does not reflect a criminal record that would bar the applicant from receiving TPS.

Since the applicant appears to have overcome the sole ground for the denial of his initial application for TPS, that decision has been withdrawn.

The Warrant of Arrest and court disposition papers submitted by the applicant on appeal demonstrate his physical presence and residence in the United States since January of 1999 as described in 8 C.F.R. §§ 244.2(b) and (c). The record of proceedings contains sufficient evidence to establish the applicant's eligibility for TPS and does not reflect any other grounds that would bar the applicant from receiving TPS. Therefore, 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.

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.