



U.S. Citizenship
and Immigration
Services

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invasion of personal privacy**

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[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date: JUN 20 2007

[WAC 05 221 90574 as it pertains to
[WAC 01 164 50118]

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.

Cindy M. Gomez

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied, reopened, and denied again by the Director, California Service Center (CSC). A subsequent application for re-registration was denied by the Director, CSC, and is currently before the AAO on appeal. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office (AAO). 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 WAC 01 164 50118. The director denied the initial application on February 26, 2004, after determining that the applicant had abandoned his application by failing to appear for his fingerprint appointment on January 9, 2003, or request another opportunity to be fingerprinted. On March 10, 2004, the applicant filed a motion to reopen the case. On motion, the applicant stated that he never received the fingerprint appointment notice even though his address had not changed.

The director subsequently reopened the case and issued another fingerprint appointment notice instructing the applicant to appear at the Application Support Center in San Francisco, California, on June 12, 2004, to be fingerprinted. Although the fingerprint appointment notice was mailed to the applicant's address of record, he failed to appear for his second fingerprint appointment or request another opportunity to be fingerprinted.

On December 30, 2004, the director denied the application again after determining that the applicant had abandoned his application by failing to appear for several of his fingerprinting appointments. The applicant did not file a motion to reopen the case.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 9, 2005, and indicated that he was applying for re-registration or renewal of his temporary treatment benefits.

The director denied the application on February 6, 2006, because the applicant's initial TPS application had been denied and he was not eligible for re-registration or renewal of temporary treatment benefits.

The applicant subsequently appeared for his 2005 fingerprint appointment as scheduled and the Federal Bureau of Investigation (FBI) fingerprint results report dated June 14, 2005, does not reflect a criminal record that would bar the applicant from receiving TPS. Therefore, the sole ground for denial of the application has been overcome.

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.

ORDER: The application is reopened and the director's denial of the initial application is withdrawn. The appeal is sustained. The initial application and the re-registration application are both approved.