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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER
[SRC 01 196 56534 as it relates to WAC 05 131 72357]

Date: **MAY 16 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.

Cindy M. Gomez
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Texas Service Center. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office (AAO), 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 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 an initial application for TPS under receipt number SRC 01 196 56534. The Director, Texas Service Center (TSC) denied the initial application on April 29, 2003, after determining that the applicant had failed to respond to a request for additional evidence. On June 4, 2003, the applicant filed a motion to reopen with the TSC director. On October 19, 2004, the TSC director reopened the application, stated that all the evidence was submitted, but requested the applicant to appear for his required fingerprint appointment. The TSC director then determined that the applicant had failed to appear for his scheduled fingerprint appointment and denied the application on December 13, 2004, due to abandonment for failure to appear for fingerprint appointment.

The record reveals that the applicant subsequently was fingerprinted and the FBI criminal history response dated April 5, 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 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 initial application and the re-registration application are both approved. The appeal will be sustained.