



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: MAY 31 2007

[WAC 05 221 79776 as it pertains to SRC 01 229 63747 and SRC 02 266 55135]

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 California Service Center. Any further inquiry must be made to that office.

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

**DISCUSSION:** The initial application was denied by the Director, Texas Service Center (TSC). 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 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 applicant filed an initial application for TPS on May 31, 2001, under receipt number SRC 01 229 63747. The TSC director denied the initial application on January 14, 2004, because the applicant had abandoned his application by failing to appear for fingerprinting.

The applicant filed additional TPS applications in 2002, 2003, and this Form I-821, Application for Temporary Protected Status, on May 9, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

The record reflects that the applicant's fingerprints were taken and sent to the Federal Bureau of Investigation by Citizenship and Immigration Services on July 13, 2005 and on June 15, 2006, and the results reports indicate no criminal arrests that would bar the applicant from receiving TPS.

It is noted that the initial fingerprint appointment notice was mailed to the applicant at [REDACTED] in Dallas, Texas, on August 19, 2003, although he listed his address as [REDACTED] on September 2, 2002. Another fingerprint notice was mailed on December 16, 2002, to an address at [REDACTED], an address that cannot be located as attributable to the applicant.

The applicant has satisfied all other eligibility requirements for TPS. Therefore, the application is approved.

An alien applying for temporary protected status has the burden of proving that he or she meets the above requirements and is eligible under the provisions of section 244 of the Act. The applicant has met this burden.

**ORDER:** The appeal is sustained.