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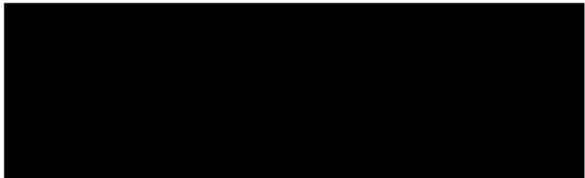
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:

Office: CALIFORNIA SERVICE CENTER

Date: NOV 05 2007

[WAC 05 212 76422]

[WAC 07 179 50659]

IN RE:

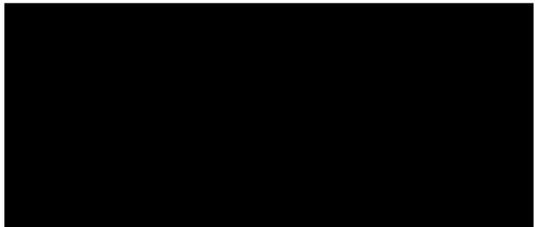
Applicant:



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 California Service Center. 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, California Service Center. A subsequent application for re-registration was denied by the Director, California Service Center, and was *sua sponte* reopened by the Administrative Appeals Office (AAO). The applicant's appeal was sustained and the application was approved. The case is now before the AAO on a motion to reopen. The motion will be dismissed as moot.

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 record reveals that the applicant filed a Form I-821, Application for Temporary Protected Status, under Citizenship and Immigration Services (CIS) receipt number WAC 01 173 53417. The director denied that application on February 2, 2004 and on September 24, 2004, because the applicant had abandoned his application by failing to appear for fingerprinting. The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 30, 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 applicant had not previously been granted TPS because he had not appeared for fingerprinting. However, on appeal, the applicant forwarded a copy of his Form I-797C, Fingerprint Notification, showing that he appeared for fingerprinting at a CIS office in Palmdale, California, and that his prints were taken on September 8, 2005. The record shows that they were then forwarded to the Federal Bureau of Investigation (FBI). The applicant's FBI fingerprint report results identified no derogatory information.

The AAO determined the applicant had satisfied all other eligibility requirements for TPS, and approved both the initial application and the re-registration application. The applicant's appeal was sustained in a separate decision issued by the AAO.

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 applicant's appeal of the denial of his TPS application has been sustained and the applicant has been approved for Temporary Protected Status. Therefore, the applicant's motion to reopen is dismissed as moot.