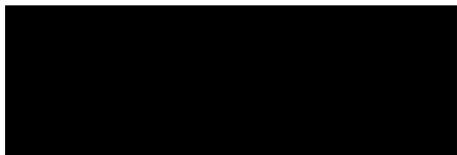


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U.S. Citizenship  
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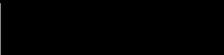
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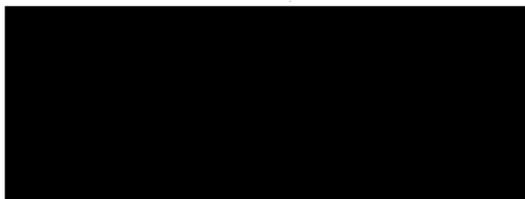
OFFICE: VERMONT SERVICE CENTER

DATE:

[EAC 01 226 59065]

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 office that originally decided your case. Any further inquiry must be made to that office.

*for*   
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied, appealed, and again denied on motion by the Director, Vermont Service Center (VSC). The application is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained and the application 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 record of proceedings shows that the director, VSC issued a Notice of Action to the applicant on September 3, 2002, requesting that she submit a police clearance because her fingerprints were rejected as unclassifiable by the Federal Bureau of Investigation, and because the fingerprints would serve as an acceptable substitute. The director initially denied the TPS application on December 20, 2002, due to abandonment, because the applicant failed to submit a police clearance as requested. The applicant filed a Motion to Reopen on April 18, 2003, that was dismissed by the director on July 24, 2003, because the applicant had not overcome the initial denial due to abandonment. The applicant filed an appeal on February 3, 2006. The director treated the applicant's appeal as a Motion to Reopen because it had been filed late. The director dismissed the motion on May 17, 2006, because the applicant had failed to submit a police clearance as requested.

On appeal, the applicant asserts her claim of eligibility for TPS and submits as evidence a police clearance.

The police clearance obtained by the applicant from the Boston, Massachusetts Police Department indicates that the applicant does not have a police record. Since the applicant appears to have overcome the grounds for the denial of her initial application for TPS, that decision has been withdrawn. 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.

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

**ORDER:** The director's denial of the initial application is withdrawn, and the application is approved.