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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: NOV 07 2007
[WAC 06 159 51819]
[WAC 05 099 77991 and SRC 99 218 50377 relate]

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 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, Texas Service Center (TSC). A subsequent application for re-registration was denied by the Director, California Service Center (CSC), and is currently before the Administrative Appeals Office (AAO) on appeal. The initial application will be reopened, *sua sponte*, by the Chief, AAO, and the application will be approved.

The applicant is a citizen of Honduras 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 99 218 50377. The TSC Director denied the initial application on October 2, 2003, because the applicant failed to appear for his fingerprinting appointment and, therefore, had abandoned his application.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 7, 2005, and indicated that he was re-registering for TPS. The CSC director denied the re-registration application on June 10, 2005, 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 filed an appeal from that denial decision on July 22, 2005. However, the appeal was rejected by the Chief, AAO on March 23, 2006, because it was not filed timely.

On April 25, 2006, the applicant filed the current motion to reopen the decision of the Chief, AAO rejecting his appeal.

On motion, the applicant states that he did not receive the fingerprint appointment notice.

A review of the record of proceedings reveals that no copy of the fingerprint notice cited in the decision to deny the initial TPS application is in the file. Therefore, it cannot be determined whether the notice was mailed to the correct address.

The record also shows that the applicant had been fingerprinted on three different occasions, on March 5, 2007, April 3, 2006, March 2, 2007. Therefore, the applicant has exhibited that he does not intend to abandon his TPS application. On each occasion, the fingerprint search did not reveal any criminal record.

The initial TPS application also contains sufficient evidence that the applicant meets the requirements for eligibility under TPS as follows:

1. Florida Identification Card issued on February 18, 1998;
2. Passport issued by the Consul General of Honduras in Miami, Florida, on January 16, 1998;
3. Verification of electric service from November 7, 1998, until June 30, 1999, issued by Duke Power;
4. Various traffic infractions from February 13, 1999, until October 6, 2003; and,
5. Florida Driver's License issued on July 13, 1999.

Based on the foregoing, the applicant has established that he meets the requirements for TPS. There are no other known grounds of ineligibility; therefore, the director's decision will be withdrawn and the appeal will be sustained.

An alien applying for Temporary Protected Status 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 decision is withdrawn and the application is approved.