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U.S. Citizenship
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Services

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FILE:



[EAC 01 170 50319]

Office: VERMONT SERVICE CENTER

Date: **NOV 29 2007**

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

A handwritten signature in cursive script, appearing to read "R. Wiemann".

for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal.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 was granted Temporary Protected Status on October 15, 2001. The director subsequently withdrew the applicant's Temporary Protected Status on April 24, 2006, when it was determined that the applicant had failed to submit, as requested, a copy of the final court disposition stemming from his arrest in 2002.

An alien who has been granted Temporary Protected Status must register annually with the district office or service center having jurisdiction over the alien's place of residence 8 C.F.R. § 244.17(a).

Temporary Protected Status shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner specified by the Attorney General. Section 244(c)(3)(c) INA.

The record reveals that on October 15, 2001, the director approved the application for Temporary Protected Status. The record also reveals that the applicant was arrested in Virginia and charged with aggravated sexual battery on June 14, 2002.

In a letter dated October 7, 2005, the director requested that the applicant submit a final court disposition stemming from his arrest in 2002. The respondent failed to comply with the director's request.

The director concluded that the applicant had failed to submit a final court disposition stemming from his arrest and withdrew the applicant's TPS on April 24, 2006.

On appeal, the applicant submitted a final court disposition that shows that he was convicted of sexual battery, a misdemeanor on July 26, 2002. The record of proceedings reflects that the applicant has only been convicted of one misdemeanor, and therefore he is not ineligible for TPS.

Since the applicant appears to have overcome the sole ground for the withdrawal of his 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 director's withdrawal of the applicant's TPS is withdrawn, and the initial application will be approved.

ORDER: The application is reopened and the director's withdrawal of the initial application is withdrawn. The initial application is approved.