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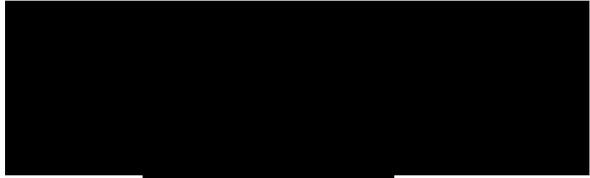
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: OCT 18 2007

[WAC 05 221 78030 as it relates to EAC 01 201 57006 and EAC 02 024 52942]

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Vermont Service Center. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office, and the application will be approved. 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 application will be approved.

The applicant is a 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 during the initial registration period under receipt number EAC 01 201 57006. The Director, Vermont Service Center, denied the initial application on June 10, 2002, after determining that the applicant had abandoned her application because she failed to report for fingerprinting as scheduled. The applicant filed a motion to reopen that was dismissed by the Director, Vermont Service Center, because it had been untimely filed.

However, the record reveals that the applicant was subsequently fingerprinted on or about September 8, 2005, and the FBI criminal history report does not reflect a criminal record that would bar the applicant from receiving TPS.

Since the applicant appears to have overcome the sole ground for the denial of her initial application for TPS, that decision has been withdrawn.

In response to the director's request for evidence the applicant submitted official transcripts, in a sealed envelope, from Fairfax County [REDACTED] which showed that she attended the school from December 12, 2000 to January 15, 2003. The applicant also submitted copies of school enrollment checklists and a letter from the school registrar's office confirming the dates depicted in the school transcripts. The applicant submitted as evidence copies of her pay statements provided by the [REDACTED] and dated June of 2001 through January of 2005.

The applicant has submitted sufficient evidence to establish her qualifying continuous residence and continuous physical presence in the United States during the requisite time periods as described in 8 C.F.R. §§ 244.2(b) and (c). Consequently, the record of proceedings contains sufficient evidence to establish the applicant's eligibility for TPS and does not reflect any grounds that would bar the applicant from receiving TPS. Therefore, the director's decision will be withdrawn and the initial application will be approved.

The director's denial of the application for re-registration or renewal is dependent upon the adjudication of the initial application. Since the initial application is being approved, the appeal from the denial of the re-registration will be sustained and that application will also be approved. The applicant is eligible for employment authorization under 8 C.F.R. § 274a.12(a)(12).

ORDER: The application is reopened and the director's denial of the initial application is withdrawn. The initial application and the re-registration application are both approved.