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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 05 223 75964 as it relates to SRC 01 228 64429]

IN RE:

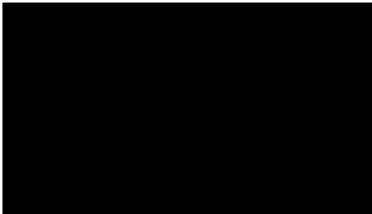
Applicant:



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, Texas Service Center. 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 initial application will be reopened, *sua sponte*, by the Chief, AAO. The appeal will be sustained and the applications 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 under receipt number SRC 01 228 64429 on June 5, 2001. The Director, Texas Service Center, denied the initial application on April 12, 2004, after determining that the applicant had abandoned her application by not reporting for fingerprinting as scheduled.<sup>1</sup>

However, the record reveals that the applicant subsequently was fingerprinted and the Federal Bureau of Investigation fingerprint results report dated August 2, 2005, does not reflect a criminal record that would bar the applicant from receiving TPS.

It is noted that 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. The applicant submitted as evidence copies of her personal income tax records for the 1999, 2000, 2001, and 2002 tax years, copies of her pay statements from [REDACTED] Texas, dated from March 2000 through March of 2003, and a letter from the company vice president in which she stated that the applicant has been employed by the company since June 27, 1999.

The applicant has, thereby, established her continuous residence and continuous physical presence as described in 8 C.F.R. §§ 244.2(b) and (c).

Since the applicant appears to have overcome the grounds for the denial of her applications for TPS, the 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.

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.

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.

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<sup>1</sup> It is noted that the applicant also filed TPS re-registration applications in 2002 and 2003.

**ORDER:** The initial application is *sua sponte* reopened and the director's denial of the initial application is withdrawn. The initial application and the re-registration application are approved. The appeal is sustained.