

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529-2090
MAIL STOP 2090



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



M1

FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: DEC 05 2008
[WAC 05 246 51854, appeal]
[WAC 05 218 70329 as it relates to EAC 01 241 56342]

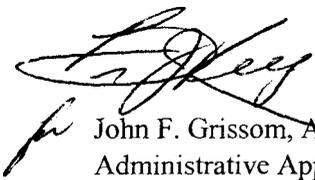
IN RE: Applicant: [REDACTED]

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 Vermont Service Center. Any further inquiry must be made to that office.


John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Vermont Service Center (VSC). A subsequent application for re-registration was denied by the Director, California Service Center, and is currently before the Administrative Appeals Office on appeal. The case will be *sua sponte* reopened, the applications will be approved and the appeal will be sustained.

The applicant is a native and citizen of El Salvador who is applying for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

Although a Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted, the individual and the firm listed are not authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

The applicant filed an initial Form I-821, Application for Temporary Protected Status, under receipt number EAC 01 241 56342 during the initial registration period. The VSC Director denied that application on June 20, 2002 because the applicant had abandoned her application by failing to pay the required fee for fingerprinting.

The applicant filed a subsequent Form I-821 on January 13, 2004 and indicated she was re-registering for TPS.

The CSC Director denied that applicant on August 16, 2005 and an appeal from that determination was dismissed by the Director (now Chief), of the AAO on October 31, 2005.

The applicant filed a subsequent Form I-821 on May 6, 2005, and indicated that she was re-registering for TPS.

The VSC Director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

If the applicant is filing an application as a re-registration, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

As stated above, the VSC Director denied the initial application after determining that the applicant had abandoned her application by failing to pay the required fee for fingerprinting. The applicant's fingerprints were subsequently taken and sent to the Federal Bureau of Investigation, (FBI), by Citizenship and Immigration Services on May 31, 2005 and on April 25, 2006. The applicant's FBI fingerprint report results identified no derogatory information.

The applicant has satisfied all other eligibility requirements for TPS. Therefore, the application is approved.

The director's denials of the applications for re-registration or renewal are dependent upon the adjudication of the initial application. Since the initial application is being approved, the appeals from the denial of the re-registration application will be sustained and the initial application will also be approved.

An alien applying for temporary protected status has the burden of proving that he or she meets all requirements and is eligible under the provisions of section 244 of the Act. The applicant has met this burden.

ORDER: The denial of the initial application is withdrawn, the appeal for the re-registration application is sustained, and the three applications are approved.