

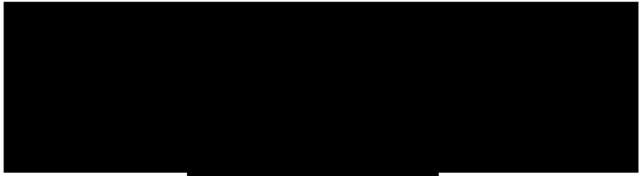
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U.S. Citizenship
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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: FEB 11 2008
[EAC 01 204 54030]

IN RE: Applicant: [REDACTED]

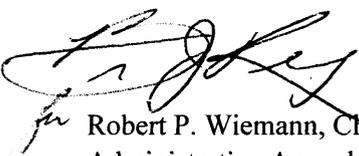
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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.


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's temporary protected status was withdrawn by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained.

The applicant is a native and 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 director determined that the applicant failed to establish she had provided the proper fee for fingerprinting. The director, therefore, withdrew the applicant's temporary protected status.

On appeal, counsel asserts that the applicant's fee for fingerprinting was credited, in error, to the wrong receipt number. Documentation supporting this claim is provided on appeal.

The director may withdraw the status of an alien granted temporary protected status under section 244 of the Act at any time if it is determined that the alien at any time becomes ineligible for TPS status. 8 C.F.R. § 244.14.

On February 23, 2004, the director notified the applicant of a deficiency in her application, requesting submission of the correct fee for fingerprinting. The applicant failed to respond to the notice. On July 12, 2004, the director notified the applicant of the intent to withdraw her temporary protected status because the record reflected that she was over the age of 14 and had failed to submit the required fingerprint fee. The applicant was granted 30 days to submit evidence that she had submitted the required fee. The applicant failed to respond. The director determined the applicant had failed to submit evidence to establish that she had submitted the fee and, therefore, withdrew the applicant's temporary protected status.

On appeal, counsel states that the applicant had submitted the correct fee for fingerprinting, but the fee had been incorrectly credited to another individual. The applicant submits a copy of a Finger Print Receipt Notification in the applicant's name, dated March 9, 2004 showing the receipt of \$50.00. However, the fee was credited to receipt number EAC 03 911 65302 instead of the applicant's receipt number EAC 01 204 54030.

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 that burden.

ORDER: The appeal is sustained.