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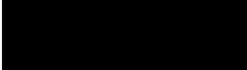
U.S. Citizenship  
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FILE:



Office: CALIFORNIA SERVICE CENTER

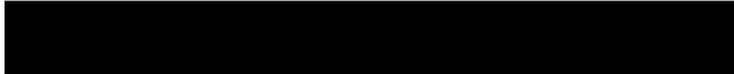
Date: FEB 20 2008

[WAC 06 105 50274, appeal]

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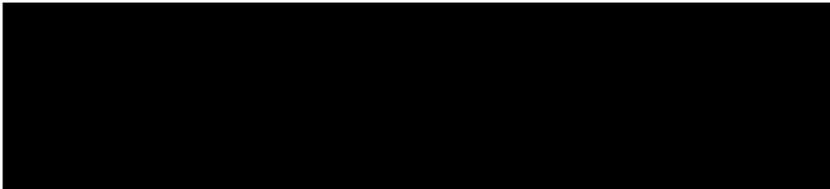
IN RE:

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.

for Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial application and a late motion to reopen under receipt number LIN 01 177 51166 were denied by the Director, Nebraska Service Center (NSC). On July 28, 2005, the initial application was approved by an Immigration Judge in removal proceedings in Chicago, Illinois. A subsequent application for re-registration was denied by the Director, California Service Center (CSC), and is currently before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained and the re-registration application will be approved.

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 applicant filed an initial Form I-821, Application for Temporary Protected Status, which was denied by the director on December 27, 2001, after the NSC Director determined the applicant had failed to appear for fingerprinting. A subsequent motion to reopen was denied by the NSC Director on August 14, 2002 as untimely.

The record contains a copy of a letter to the applicant dated May 23, 2001 from the NSC Director scheduling her for fingerprinting during the "7-Day Period Beginning November 14, 2001." The letter also states that "If you cannot go the INS Application Support Center during your scheduled seven-day period, you may go on any Wednesday following your scheduled seven-day period, as long as you have your fingerprints taken by 09/11/2001. It is clear that wording of the fingerprint scheduling letter is ambiguous. In an affidavit dated January 5, 2002, the applicant stated:

In October, 2001 I received a letter from the INS giving me an appointment for fingerprints. That letter, which will be enclosed with my Motion, said that I had a seven day period to go to Fort Wayne, IN for my fingerprints, beginning November 14, 2001. I went to the Fort Wayne office on November 15, 2001 to have my fingerprints taken and was told that I had missed my appointment on November 14, 2001 and that they would not take my fingerprints.

On July 28, 2005, after reviewing the faulty fingerprint scheduling letter and the assertions of the applicant, the applicant's initial application was approved by an Immigration Judge (IJ) in removal proceedings in Chicago, Illinois. AAO agrees with the IJ's determination.

The applicant filed a subsequent Form I-821 on April 25, 2005, and indicated that she was re-registering for TPS.

The CSC Director noted that on September 8, 2005, an application for re-registration had been erroneously approved. The director denied this re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible for re-registration for TPS.

The CSC Director's decision was in error because the applicant's TPS application had been approved on July 28, 2005. Therefore, the applicant had been granted TPS and was eligible for re-registration.

The applicant has satisfied all other eligibility requirements for TPS. Therefore, the re-registration application is 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 was approved, the appeal from the denial of the re-registration will be sustained and that application will also be approved.

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

**ORDER:** The appeal is sustained.