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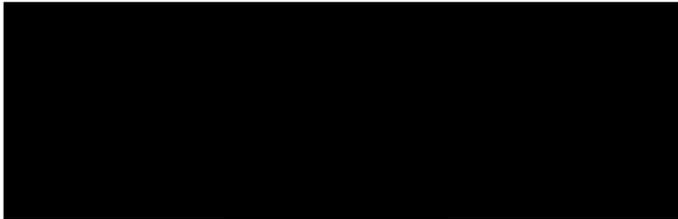
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 5000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:

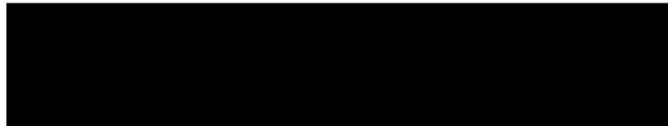
[LIN 02 029 53509]
[WAC 05 202 71755]

Office: CALIFORNIA SERVICE CENTER

Date: JAN 30 2008

IN RE:

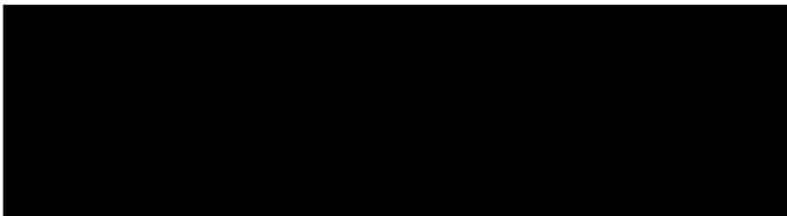
Applicant:



APPLICATION:

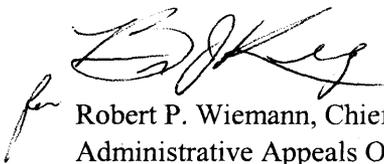
Application for Temporary Protected Status under Section 244 of the Immigration
and Nationality Act, 8 U.S.C. § 1254

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.


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Nebraska 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 her initial application for TPS under receipt number LIN 02 029 53509. The Director, Nebraska Service Center (NSC) denied the initial application on February 4, 2003, after determining that the applicant had failed to appear for her fingerprint appointment. The applicant filed a motion to reopen which was rejected by the NSC director on November 21, 2003. On June 21, 2004, the applicant, through counsel, filed a subsequent motion to reopen which was dismissed by the NSC director on March 11, 2005.

The record reveals that the applicant subsequently was fingerprinted and the FBI criminal history response dated April 25, 2006, does not reflect a criminal record that would bar the applicant from receiving TPS.

On appeal, counsel states that the applicant mistakenly did not notify the Service of her change of address, and therefore, the applicant had missed her fingerprint appointment. Counsel further states that the applicant filed a motion to reopen the application and explained her situation to the NSC director. Counsel, on appeal, also provides additional evidence in support of the applicant's eligibility for TPS.

A review of the record of proceedings reveals that the applicant has provided sufficient evidence to establish her 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.