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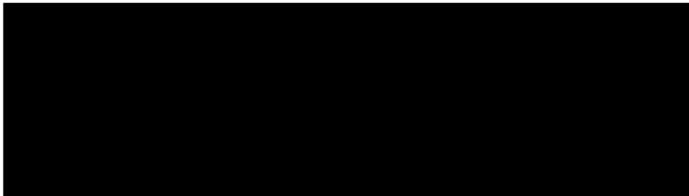
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE: JAN 30 2008
[SRC 01 200 53310]
[WAC 05 225 70373]

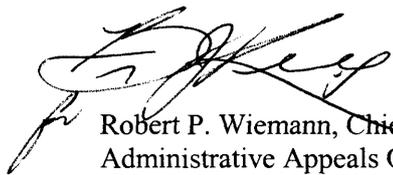
IN RE: Applicant: [REDACTED]

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 the office that originally decided your case. 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 (TSC). A subsequent application for re-registration was denied by the Director, California Service Center (CSC), and is currently before the Administrative Appeals Office on appeal. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office. The appeal will be sustained and the applications 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 TSC director denied the initial TPS application (receipt number SRC 01 200 53310) based on abandonment on March 21, 2003, because the applicant had failed to respond to a request dated January 13, 2003, to submit evidence to establish continuous residence in the United States since February 13, 2001, and continuous physical presence from March 9, 2001, to the date of filing the application. On November 20, 2003, the TSC director reopened the case on a Service Motion to Reopen. The TSC director again denied the initial TPS application on August 23, 2004, after determining that the applicant had abandoned his application by failing to appear for fingerprinting on March 12, 2003. The applicant did not file a motion to reopen within 30 days from the date of the denial.

The applicant filed the current Form I-821, Application for Temporary Protected Status (receipt number WAC 05 225 70373) on May 13, 2005, and indicated that he was re-registering for TPS. The CSC director denied the re-registration application on October 31, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

On appeal, the applicant asserts that he has been filing TPS applications since April 2001, and he has no idea why he was denied TPS as he never received a request for additional evidence.

Although a Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted, neither the individual nor the organization named is 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 record indicates that on January 22, 2003, the applicant was requested to appear for fingerprinting on March 12, 2003. That notice was mailed to the applicant's old address, [REDACTED]. The director's denial decision dated August 23, 2004, was also mailed to the applicant's former address [REDACTED].

The applicant was subsequently fingerprinted and the Federal Bureau of Investigation fingerprint results reports dated July 26, 2005 and June 19, 2006, do not reflect a criminal record that would bar the applicant from receiving TPS. The applicant, therefore, has overcome the sole ground for the denial of his initial application for TPS. Additionally, the applicant has furnished sufficient evidence to establish continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001, as described in 8 C.F.R. § 244.2(b) and (c). 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.

ORDER: The application is reopened and the director's denial of the initial application is withdrawn. The initial application and the re-registration applications are both approved.