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FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE:
[WAC 05 326 70272]

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:

[REDACTED]

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
for Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The re-registration application was denied by the Director, California Service Center, and is currently before the Administrative Appeals Office (AAO) on appeal. The re-registration application will be approved and 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 applicant filed the current Form I-821, Application for Temporary Protected Status, on August 22, 2005, and indicated that he was filing an initial TPS application through late registration

On April 12, 2006, the director denied the application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

The record of proceeding reveals that the applicant filed an initial TPS application on May 14, 2001 under receipt number EAC 01 196 55334. On October 2, 2001, the applicant was requested to appear for fingerprinting on November 9, 2001. The director denied the TPS application on June 4, 2003, due to abandonment, because the applicant had failed to report for fingerprinting as scheduled. The record does not reflect that the applicant filed a motion to reopen within 30 days of the denial notice.

It is noted that the record shows the applicant was subsequently fingerprinted on February 2, 2006, and no criminal record was found which would preclude the applicant from receiving TPS on those grounds.

On September 13, 2002, the applicant filed an application for re-registration, which was not adjudicated by the director. On July 19, 2004, the applicant's United States citizen wife filed a Petition for Alien Relative (Form I-130) for the applicant. On July 19, 2004, the applicant filed an Application to Register Permanent Resident or Adjust Status (Form I-485). On August 24, 2005, the Form I-130 was approved and the Form I-785 was denied. On August 22, 2005, the applicant filed an application for late registration TPS, which was filed within a 60-day period immediately following the denial of her Form I-485.

The record of proceeding contains sufficient evidence to establish the applicant's eligibility for TPS and does not reflect any grounds that would bar the applicant from receiving TPS. Therefore, the director's decision on the re-registration application will be withdrawn and the re-registration application will be approved.

An alien applying for TPS 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 this burden.

ORDER: The appeal is sustained.