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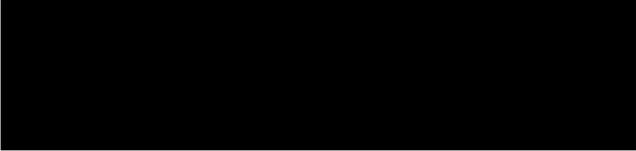
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] OFFICE: California Service Center DATE: **SEP 06 2007**
[WAC 05 218 73562 –
as it relates to
WAC 01 189 51479]

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.

Cindy M. Gomez
Robert P. Wiemann, Chief
Administrative Appeals Office *RS*

DISCUSSION: The initial application was denied by the Director, California Service Center. A subsequent application was denied by the director, and is currently before the AAO on appeal. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office (AAO), and approved. The appeal on the subsequent application will be sustained, and that application will also 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 an initial application TPS on April 17, 2001, under receipt number WAC 01 189 51479. The director denied the initial application on August 5, 2004, on the ground that the applicant had abandoned his application by failing to appear for his fingerprint appointment scheduled for February 28, 2004, or to request another date for fingerprinting.

The applicant filed another application on May 6, 2005, under receipt number WAC 05 218 73562, which he identified as an application to re-register for TPS. On August 16, 2005, the director denied the application, stating that since the original application had been denied, the applicant was ineligible to re-register for TPS.

The record reveals that the fingerprint appointment notice issued in conjunction with the initial TPS application was mailed only to counsel, and not to the applicant at his home address. Furthermore, the record confirms that the applicant was fingerprinted in conjunction with the current re-registration application, on May 1, 2006, and no criminal record was found.

The record of proceedings 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 denial of the initial application will be withdrawn and the application approved.

The director's decision on the application for re-registration 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.

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 that burden.

ORDER: The initial application [WAC 01 189 51479] is reopened, *sua sponte*, the director's denial is withdrawn, and the application is approved. The appeal of the director's decision denying the re-registration application [WAC 053 218 73562] is sustained, and the application is approved.