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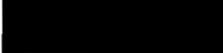
U.S. Citizenship
and Immigration
Services

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FILE:



Office: VERMONT SERVICE CENTER

Date: DEC 05 2008

[WAC 05 223 92101, *appeal*]

[WAC 05 223 92101 as it relates to SRC 01 197 56257]

IN RE:

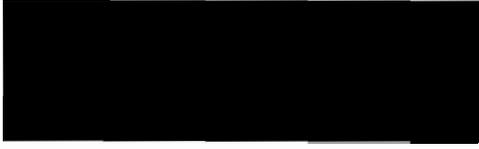
Applicant:



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 Vermont Service Center. Any further inquiry must be made to that office.

John F. Grissom, Acting 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 (AAO) on appeal. The appeal will be sustained, and the application 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 application for TPS under receipt number SRC 01 197 56257. The TSC director denied the initial application on June 12, 2003, because the applicant had abandoned her application by failing to appear for fingerprinting. The applicant filed a motion to reopen which was denied by the TSC director.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 11, 2005, and indicated that she was re-registering for TPS. The CSC Director denied the re-registration 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 initial application was considered abandoned because the applicant did not appear for fingerprinting. However, the record now reflects that her fingerprints have since been taken and sent to the Federal Bureau of Investigation by Citizenship and Immigration Services on July 16, 2005 and on June 16, 2006. The results reports indicate no criminal arrests that would bar the applicant from receiving TPS.

The applicant has satisfied all other eligibility requirements for TPS. Therefore, the application is approved.

The CSC 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.

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

ORDER: The denial of the initial application is withdrawn, the appeal for the re-registration application is sustained, and both applications are approved.