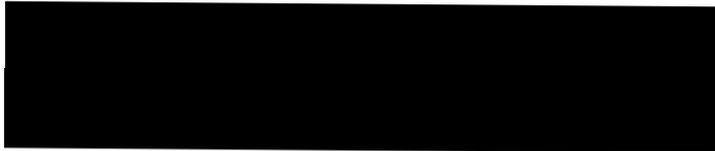




U.S. Citizenship
and Immigration
Services

PUBLIC COPY

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



M1

FILE:



Office: CALIFORNIA SERVICE CENTER
[WAC 05 141 74361 as it relates to SRC 01 156 63841]

Date: FEB 28 2007

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: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the California Service Center. Any further inquiry must be made to that office.

Cindy M. Momen for

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, and is currently before the Administrative Appeals Office (AAO) on appeal. The case will be *sua sponte* reopened, 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 applicant filed an initial application for TPS under receipt number SRC 01 156 63841. The director denied the initial application on December 3, 2004, because the applicant had abandoned his application by failing to appear for fingerprinting.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on February 18, 2005, and indicated that he was re-registering for TPS.

The 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.

If the applicant is filing an application as a re-registration, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

The applicant has not previously been granted TPS because he had not appeared for fingerprinting. However, on appeal, the applicant forwarded a copy of his Form I-797C, Fingerprint Notification, showing that he appeared for fingerprinting at a CIS office in Davie, Florida, and that his prints were taken on October 22, 2004. The record shows that they were then forwarded to the Federal Bureau of Investigation (FBI). The applicant's FBI fingerprint report results identified no criminal activity that would bar him from receiving TPS.

It is noted that the record contains a Form I-213, Record of Deportable/Inadmissible Alien, dated February 16, 1999, indicating that the applicant was arrested by Broward County Sheriff's Office in Florida, for "being an illegal alien." He was then turned over to the United States Border Patrol under the name [REDACTED] with a birth date of July 10, 1981. He now provides a birth date of August 10, 1983. At his interview, the applicant stated that he entered the United States at or near Nogales, Arizona, on or about February 8, 1999.

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

An alien applying for temporary protected status has the burden of proving that he or she meets the above 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.