



U.S. Citizenship  
and Immigration  
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FEB 28 2007

FILE:

Office: VERMONT SERVICE CENTER

Date:

[EAC 01 202 51463]

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 the office that originally decided your case. Any further inquiry must be made to that office.

*Cindy M. Doney for*

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed as moot.

The applicant is a native and citizen of El Salvador who is applying for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director denied the application for TPS because the applicant had provided insufficient evidence regarding a previous arrest for alien smuggling.

The record reflects that an Assistant United States Attorney of the Southern District of Texas advised the United States Magistrate in Brownsville, Texas, that the alien smuggling complaint against the applicant was dismissed on October 30, 1990. A removal hearing also was dismissed in 1991 to allow the applicant to apply for TPS [under a previous designation for El Salvador].

The record also reflects that the applicant has adjusted status to that of a lawful permanent resident as of September 15, 2003, based upon a Form I-140, Immigrant Petition for Alien Worker, approved on August 6, 2002, under 8 C.F.R. 203 (b)(3)(A)(i). As he is presently a permanent resident, the issues in this proceeding are moot.

**ORDER:** The appeal is dismissed.