



U.S. Citizenship  
and Immigration  
Services

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FILE:



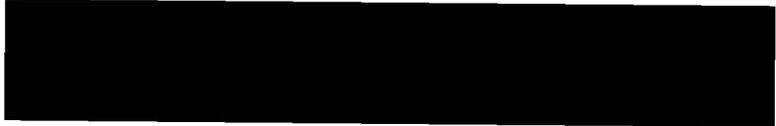
[WAC 05 233 52098]

Office: CALIFORNIA SERVICE CENTER

Date: MAY 31 2007

IN RE:

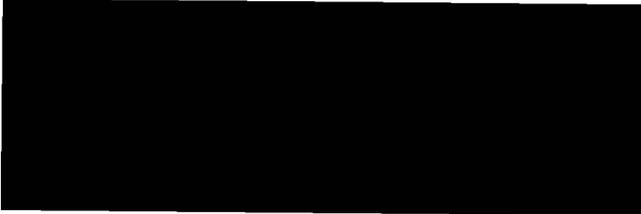
Applicant:



APPLICATION:

Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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.

*Robert P. Wiemann*

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center, (CSC), and is now before the Administrative Appeals Office on appeal. The appeal will be sustained, and the application approved.

The applicant is a native and citizen of Honduras 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 99 189 50341. The director denied the initial application on November 2, 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 December 3, 2004, 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.

The applicant has not previously been granted TPS because he had not appeared for fingerprinting. However, counsel submits the applicant's copy of a Form I-797C, Fingerprint Notification, showing that he appeared for fingerprinting at a Citizenship and Immigration Services office in Hialeah, Florida, that his prints were taken on January 26, 2005 and processed for forwarding to the Federal Bureau of Investigation (FBI). The record reflects that the applicant's fingerprint submissions were processed by the FBI on October 7, 1999, January 26, 2005 and March 21, 2006, and that the fingerprint report results identified no disqualifying information.

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 appeal is sustained.