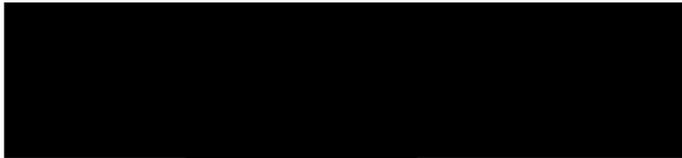


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U.S. Citizenship
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FILE:

[WAC 05 216 70143]
[WAC 01 186 52372]

OFFICE: CALIFORNIA SERVICE CENTER

DATE: OCT 05 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 office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, California Service Center. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office, and the application will be approved. 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 appeal will be sustained and the application 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 director denied the initial TPS application on February 17, 2004, after determining that the applicant had abandoned her application by failing to appear for fingerprinting on January 10, 2003. On March 5, 2004, the applicant filed a motion to reopen her case. The director dismissed the motion on March 18, 2004, because the motion did not meet applicable requirements as provided in 8 C.F.R. § 103.5(a)(4). The record reveals that the applicant subsequently was fingerprinted and the Federal Bureau of Investigation fingerprint results reports dated June 2, 2005 and April 30, 2006, do not reflect a criminal record that would bar the applicant from receiving TPS. Since the applicant has overcome the sole ground for the denial of her initial application for TPS, that decision will be withdrawn.

It is noted that the applicant claimed to have entered the United States without inspection on April 10, 2000. To establish that she has continuously resided in the United States since February 13, 2001, and had been continuously physically present from March 9, 2001, to the date of filing the initial application on April 19, 2001, the applicant furnished pay statements and pay stubs; Form 1040, Income Tax Returns; Form W-2, Wage and Tax Statements; Gigante money transfer receipts; State of California identification card; and documents from the California Department of Motor Vehicle, dated from June 2000 to October 2005, inclusive.

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 decision will be withdrawn and the initial application will be approved.

The 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. The applicant is eligible for employment authorization under 8 C.F.R. § 274a.12(a)(12).

ORDER: The application is reopened and the director's denial of the initial application is withdrawn. The initial application and the re-registration application are both approved.