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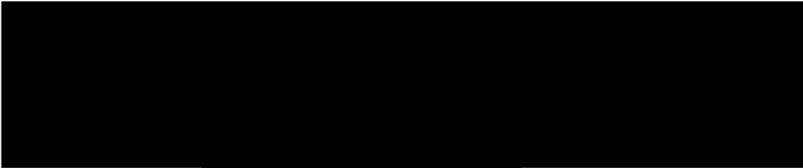
U.S. Department of Homeland Security  
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Washington, DC 20529



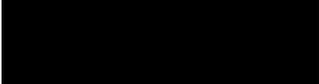
U.S. Citizenship  
and Immigration  
Services

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FILE:



OFFICE: CALIFORNIA SERVICE CENTER

DATE: JAN 30 2008

[WAC 01 185 54625]  
[WAC 05 188 70803]

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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial application was denied by the Director, California Service Center. 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 initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office, 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 director denied the initial TPS application on June 30, 2004, after determining that the applicant had abandoned her application by failing to appear for fingerprinting on February 11, 2004. On August 8, 2004, the applicant filed a motion to reopen her case. The director dismissed the motion on October 19, 2004, because the motion to reopen or reconsider did not state reasons for reconsideration and was not supported by pertinent precedent decisions to establish that the decision was based on an incorrect application of law or USCIS policy. 8 C.F.R. § 103.5(a)(3).

The record reveals that the applicant subsequently was fingerprinted and the Federal Bureau of Investigation fingerprint results reports dated May 12, 2005 and March 23, 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 August 17, 1994. 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 12, 2001, the applicant furnished pay statements; Forms 1040, Income Tax Returns; Forms W-2, Wage and Tax Statements; State of California identification card; Los Angeles Unified School District, Adult Education registration form and student identification; and miscellaneous receipts, dated from prior to February 13, 2001, to January 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.