



U.S. Citizenship
and Immigration
Services

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FILE:



OFFICE: Vennont Service Center

DATE: MAY 12 2008

[EAC 06 332 76040,
as it relates to WAC 01 22652659]

INRE:

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 Vennont Service Center. 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, Vermont 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 record reveals that the applicant filed an initial TPS application on March 22, 2001, during the initial registration under receipt number WAC 01 226 52659. The director denied the initial application on October 19, 2004, after determining that the applicant had abandoned her application based on her failure to appear for fingerprinting on April 10, 2004. The applicant did not file a motion to reopen within 30 days from the date of the denial. The applicant filed a re-registration application on August 7, 2002, under CIS receipt number WAC 02 287 51463. The director denied the application on October 10, 2004 because the applicant's initial TPS application had been denied. On April 28, 2005, the applicant filed another re-registration TPS application under CIS number WAC 05 210 72970. The director, again, denied the re-registration application on August 16, 2005 because the applicant's initial application had been denied and the applicant was not eligible to apply for re-registration for TPS. The applicant filed an appeal which was dismissed by the Chief of AAO on June 28, 2006.

The applicant filed the current Form 1-821, Application for Temporary Protected Status, on August 13, 2006, under CIS receipt number EAC 06 332 76040, and indicated it was a new application. The director, Vermont Service Center, denied that application on March 23, 2007, because the applicant failed to establish that she was eligible for late registration for TPS. The director also found that the applicant had failed to establish her **qualifying** continuous residence and continuous physical presence in the United States during the requisite periods.

The record of proceedings contains sufficient evidence to establish the applicant's eligibility for TPS including sufficient evidence of the applicant's continuous residence and continuous physical presence during the requisite periods. Furthermore, the applicant's Federal Bureau of Investigation (FBI) Fingerprint Result Report does not reflect any grounds that would bar the applicant from receiving TPS. Therefore, the director's decision and the AAO's June 28, 2006 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.