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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



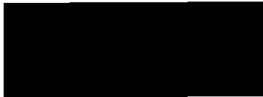
U.S. Citizenship
and Immigration
Services

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FILE:



OFFICE: VERMONT SERVICE CENTER

DATE: **MAR 05 2010**

-consolidated]

[EAC 01 233 51838]

[EAC 09 215 50670 – MOTION]

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 Vermont Service Center. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. 103.5(a)(1)(i).

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Vermont Service Center, and a subsequent appeal was dismissed by the Chief, Administrative Appeals Office. The matter is now before the AAO on a motion to reopen. The initial application will be reopened and the case will be remanded to the director for further action.

The applicant appears to be represented; however, the record does not contain Form G-28, Notice of Entry of Appearance as Attorney or Representative. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

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 application after determining the applicant failed to submit requested court documentation relating to his criminal record.

Upon review of the record of proceeding, the AAO concurred with the director's conclusion and dismissed the appeal on July 1, 2009. However, further review of the evidence and the record of proceedings reveals that the previous decision of the AAO was in error. Specifically, court dispositions in the record reveal that the applicant's criminal case () was "disposed of on 11/15/1999 [with] a bond Forfeiture Disposition." Telephonic contact with the State of Connecticut Superior Court Clerk's office confirmed that there was not a guilty plea by the applicant or a finding of guilt by the court. The Clerk further confirmed that the case is closed and may not result in further criminal action.

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. However, the validity period of the applicant's fingerprint check has expired.

Accordingly, the case is remanded for the purpose of sending the applicant a fingerprint notification form, and affording him the opportunity to comply with its requirements. Thereafter, the director will render a new decision. Should the decision be adverse, the director must give written notice setting forth the specific reasons for the denial pursuant to 8 C.F.R. § 103.3(a)(1)(i), and the applicant shall be permitted to file an appeal without fee.

ORDER: The application is reopened and the case is remanded for appropriate action and decision consistent with the foregoing.