



U.S. Citizenship  
and Immigration  
Services

(b)(6)

DATE: JUL 29 2014

Office: VERMONT SERVICE CENTER

FILE: [REDACTED]

IN RE: Applicant: [REDACTED]

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

ON BEHALF OF APPLICANT:  
[REDACTED]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Vermont Service Center. The application was reopened, *sua sponte*, by the director and subsequently denied. The matter is now before us on appeal. The case will be remanded for further action and consideration.

The applicant claims to be a citizen of Syria who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

On February 12, 2013, the director denied the application due to abandonment as it was determined that the applicant had failed to submit the required Form I-601, Application for Waiver of Grounds of Inadmissibility, and therefore remained inadmissible to the United States under section 212(a)(6)(C)(i) of the Act. On March 6, 2013, the applicant filed a motion to reopen and motion to reconsider. On October 10, 2013, the director reopened the application *sua sponte*<sup>1</sup> and rendered a new decision denying the application. The director determined that the applicant was deemed inadmissible under section 212(a)(6)(C)(i) of the Act due to her attempt to obtain an immigrant visa based on a fraudulent marriage.

Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible. Section 212(a)(6)(C)(i) of the Act.

Except as provided in clause (iii), the Secretary may waive any other provision of section 212(a) in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Section 244(c)(2)(A)(ii) of the Act.

The record reflects that on October 10, 2013, the applicant's Form I-601 was denied, in part, due to the applicant's attempt to obtain an immigrant visa based on a fraudulent marriage. The appeal from that decision, which was addressed under separate cover, has been sustained.<sup>2</sup>

Therefore, the case will be remanded to the director for further adjudication of the TPS application. The case will also be remanded for the purpose of sending the applicant a fingerprint notification form as the validity period of her fingerprint check has expired. The director may request any additional evidence that he considers pertinent to assist with the determination of the applicant's eligibility for TPS. Following completion of these requirements, 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).

**ORDER:** The director's decision is withdrawn. The case is remanded for further action consistent with the above and entry of a new decision.

---

<sup>1</sup> The requested form I-601 was received prior to the issuance of the denial notice of February 12, 2013.

<sup>2</sup> It was found that concerns surrounding family unity outweigh the unfavorable factors in the application.