



U.S. Citizenship
and Immigration
Services

(b)(6)

DATE: OCT 07 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. § 1254

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DISCUSSION: The applicant's Temporary Protected Status was withdrawn and an application for re-registration was simultaneously denied by the Director, Vermont Service Center. The applicant has appealed the denial of his re-registration application.¹ The matter is now before the Administrative Appeals Office (AAO). The case will be remanded for further action and consideration.

An alien shall not be eligible for TPS under this section if the Secretary of the Department of Homeland Security finds that the alien has been convicted of any felony or two or more misdemeanors committed in the United States. See Section 244(c)(2)(B)(i) of the Act and 8 C.F.R. § 244.4(a).

The applicant is a native and citizen of El Salvador who was granted Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The Federal Bureau of Investigation report reflects that on April 4, 2012, the applicant was arrested or received by the Drug Enforcement Administration for money laundering.

In response to the director's notice of September 24, 2013, the applicant indicated that on April 12, 2012, he was detained by the New Jersey Police Department, and fingerprinted, but no charges were filed. The applicant submitted an uncertified photocopied letter from the [REDACTED] Criminal Division, Superior Court of New Jersey, which indicated that it could not find any records in the applicant's name and date of birth for an arrest on April 4, 2012 for felony cases handled by the [REDACTED] Superior Court.

On February 28, 2014, the director denied the application because it was determined that the documents submitted in response to a request for the final disposition for the offense of money laundering was not sufficient. The director indicated that the fact that the applicant's records could not be retrieved did not indicate that he was not convicted, that a conviction was dismissed or vacated on its own merits, or that no electronic records remain.

On appeal, counsel submits a letter, with embossed seal, from the Office of the Clerk, District of New Jersey, United States District Court, which indicates that its office has conducted a diligent search of its records in the applicant's name from 1970 to the present and found no information in its court's index.

The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof, the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b). The applicant has met this burden

Counsel, on appeal, has provided primary evidence from a relevant government authority that serves as the custodian of records, indicating that no record exists. The applicant has overcome

¹ The applicant listed the receipt number of the current Form I-821 on the appeal form.

the sole basis for the denial of the re-registration application and withdrawal of TPS. As there are no other known grounds of ineligibility, the director's decision to deny the re-registration application and withdraw TPS will be withdrawn.

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

Accordingly, the case will be returned for the purpose of sending the applicant a fingerprint notification form, and affording him the opportunity to comply with its requirements. Following completion of this requirement, 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 case is remanded to the director for further action consistent with the above and entry of a decision.