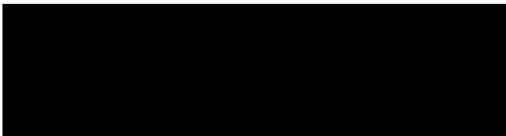




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OCT 05 2007

FILE: [Redacted] Office: NEBRASKA SERVICE CENTER  
[LIN 01 195 51733 as it relates to LIN 03 259 52372]

Date:

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: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the California 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, Nebraska Service Center (NSC). The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office (AAO), and the application will be approved. A subsequent application for re-registration was denied by the director and is currently before the AAO on appeal. The appeal will be sustained and the application will be approved.

The applicant is a 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 applicant filed her initial application for TPS under receipt number LIN 01 195 51733. The director denied the initial application on November 13, 2001, after determining that the applicant had failed to appear for her required fingerprint appointment.

The applicant filed the current TPS application on August 28, 2003. The director denied this application on February 10, 2004, because the applicant failed to respond to a request for evidence regarding her qualifying continuous residence and continuous physical presence in the United States as well as her eligibility for TPS late registration.

On appeal, the applicant requests her case to be reconsidered. The applicant also submits evidence in support of her qualifying continuous residence and continuous physical presence in the United States.

The record reveals that the applicant subsequently was fingerprinted and the FBI criminal history response dated April 22, 2006, does not reflect a criminal record that would bar the applicant from receiving TPS. Additionally, 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.