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U.S. Department of Homeland Security
Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 Eye Street N.W.
Washington, D.C. 20536



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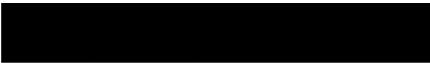


Office: Nebraska Service Center Date:

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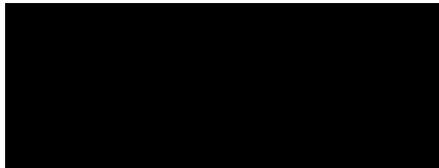
IN RE:

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:



INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of Citizenship and Immigration Services (CIS) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner.
Id.

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

Cindy M. Bomery for
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be sustained and the application will be approved.

The applicant is a native and citizen of Nicaragua who indicated on her application that she entered the United States without a lawful admission or parole on April 2, 1998. The director denied the application for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254, because he found that the applicant had failed to establish her eligibility for late registration.

On appeal, counsel pointed out that the director's decision repeatedly refers to requirements for TPS applicants from El Salvador while the applicant is Nicaraguan. Counsel also asserted that the director had been provided "with evidence that the Applicant had been approved under the Nicaraguan TPS program in 1999, 2000, and 2001."

Persons applying for TPS offered to Nicaraguans must demonstrate that they have continuously resided in the United States since December 30, 1998, and that they have been continuously physically present in the United States since January 5, 1999. On May 11, 2000, the Attorney General announced an extension of the TPS designation until July 5, 2001. Subsequent extensions of the TPS designation have been granted, with the latest extension valid until January 5, 2005, upon the applicant's re-registration during the requisite time period.

The initial registration period for Nicaraguans was from January 5, 1999, through August 20, 1999. The record reveals that the applicant filed her initial application with the Immigration and Naturalization Service, now CIS, on January 14, 1999, and that the application was approved by the Director, California Service Center, on February 4, 2000.

An alien who has been granted Temporary Protected Status must register annually with the district office or service center having jurisdiction over the alien's place of residence 8 C.F.R. 244.17(a). It appears that the applicant applied for re-registration and received extensions of her employment authorization in 2000 and 2001. The case at hand, which is the applicant's current application for re-registration, was received on May 23, 2002.

On August 30, 2002, the Director, Nebraska Service Center, issued a "Request For Evidence" requesting that the applicant submit "a photocopy of your approval notice or a pending I-821 that you have filed." In response, the applicant provided copies of her initial application as well as copies of her re-registration applications from 2000 and 2001. It is noted that the applicant's current application for re-registration was accompanied by copies of the applicant's Employment Authorization Cards that were issued in 1999, 2000 and 2001. The cards issued in 2000 and 2001 reflect the

applicant's status as a recipient of Temporary Protected Status.

The Director, Nebraska Service Center, denied the application on October 22, 2002, after finding that the applicant was not eligible for late registration because she had "failed to submit any evidence of an approved I-821 or a pending I-821."

An alien applying for temporary protected status has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has met this burden. Therefore, the director's decision will be withdrawn and the application will be approved. As the applicant's previous TPS applications had been approved, this shall be considered as the appropriate and timely filing of her re-registration for the requisite period.

ORDER: The appeal is sustained.