

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

M, 1



FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: DEC 07 2007
[WAC 05 154 70341]

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 application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The case will be remanded.

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 that application on June 12, 2006, after determining that the applicant had failed to provide evidence of nationality/identity and failed to establish she was eligible for late initial registration.

With her Form I-821, Application for Temporary Protected Status, filed on March 3, 2005, the applicant forwarded a copy of her El Salvadorian passport issued on August 16, 2002 in San Salvador. She also submitted a copy of her birth certificate along with an English translation showing that she was born on December 15, 1998 in El Salvador and that her father was named [REDACTED] and her mother was named [REDACTED]. Her mother's record under file number [REDACTED] contains a copy of her parent's marriage certificate establishing that they were married in El Salvador March 4, 1982. Additionally, the applicant submitted a copy of her father's TPS approval notice dated March 13, 2003, under his file number [REDACTED]. Review of his record reveals that he continues to be an approved TPS applicant.

It is determined that the applicant has provided sufficient evidence of nationality/identity and established that she is a native and citizen of El Salvador. She is also eligible for late registration for TPS under 8 C.F.R. § 244.2(f)(2).

The reasons provided by the director for denial have been overcome. However, although not addressed by the director, the applicant has provided insufficient evidence to establish her continuous residence and continuous physical presence during the required time periods. 8 C.F.R. §§ 244.2 (b) and (c).

The director's denial of the application is withdrawn and the application is remanded for a new decision. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS.

In these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The case is remanded to the director for the entry of a new decision.