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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]

OFFICE: California Service Center

DATE:

NOV 06 2007

[WAC 05 118 76854]

IN RE:

Applicant:

[REDACTED]

APPLICATION:

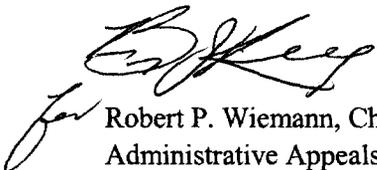
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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 office that originally decided your case. Any further inquiry must be made to that office.


for Robert P. Wiemann, Chief
Administrative Appeals Office

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

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 the application because the applicant's TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

On appeal, the applicant asserts her eligibility for TPS and submits evidence in support of her claim.

The record reflects that the applicant filed her initial TPS application on March 27, 2001, under Citizenship and Immigration Services (CIS) receipt number SRC 01 154 65996. On August 2, 2002, the Director, Texas Service Center (TSC), requested that the applicant provide evidence in support of her qualifying continuous residence and continuous physical presence in the United States. The applicant was also requested to submit a copy of her photo identification. The TSC Director denied the application on August 22, 2002, due to abandonment because the record did not contain a response from the applicant. It is noted that the TSC director's request for evidence and notice of denial were sent to an incorrect address at 111 Manor Lane, Apt. #4, Hot Springs, Arkansas. The applicant had indicated a new address on her TPS re-registration application of P.O. Box 1743, Hot Springs, Arkansas.

The applicant filed the instant Form I-821, Application for Temporary Protected Status, as a re-registration on January 26, 2005.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant who is a national of a foreign state is eligible for TPS only if such alien establishes that he or she:

- (a) Is a national of a state designated under section 244(b) of the Act;
- (b) Has been continuously physically present in the United States since the effective date of the most recent designation of that foreign state;
- (c) Has continuously resided in the United States since such date as the Attorney General may designate;
- (d) Is admissible as an immigrant except as provided under section 244.3;
- (e) Is not ineligible under 8 C.F.R. § 244.4; and
- (f)
 - (1) Registers for Temporary Protected Status during the initial registration period announced by public notice in the FEDERAL REGISTER, or
 - (2) During any subsequent extension of such designation if at the time of the initial registration period:

- (i) The applicant is a nonimmigrant or has been granted voluntary departure status or any relief from removal;
- (ii) The applicant has an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;
- (iii) The applicant is a parolee or has a pending request for reparole; or
- (iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.

If the applicant is filing an application as a re-registration, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

On appeal, the applicant states that she entered the United States on August 27, 1995 and that she has maintained physical presence and continuous residence in the United States for the past 10 years. The applicant also provides the following documentation along with her appeal:

1. Copies of her El Salvadoran birth certificate along with an English translation.
2. Copies of the Employment Authorization cards of her spouse, [REDACTED] reflecting an eligibility category "A12".
3. A copy of her Employment Authorization card bearing a validity from June 21, 2001 to September 2, 2002.
4. An affidavit dated August 31, 2005, from [REDACTED] who stated that she has been a good friend and coworker at Delta Plastics, Inc. with the applicant and her husband.
5. Two copies of receipt notices dated April 23, 2001, from the Service regarding her applications for employment authorization and temporary protected status.
6. Copies of her initial TPS and Employment Authorization applications signed on March 17, 2001.
7. Copies of her El Salvadoran marriage certificate along with an English translation.
8. A copy of an employment letter dated August 13, 2003, from [REDACTED] Resources Manager of Delta Plastics, Inc., who stated that the applicant is a full-time employee who was hired on July 23, 2001.
9. Copies of her Arkansas Automobile Liability Identification cards bearing effective dates from May 18, 2000 to June 18, 2000, November 17, 2000 to December 17, 2000, and May 18, 2001 to November 18, 2001.
10. Copies of an invoice dated February 1, 2001, from Bill Bledsoe Insurance Agency, Inc. along with a payment receipt dated February 12, 2001.
11. Copies of cash receipts from St. Joseph's Mercy Health Center reflecting payments on October 22, 2000, February 1, 2001, and November 5, 2001, bearing the names of [REDACTED]

12. A copy of the applicant's Arkansas Drivers License issued to her on January 5, 2000.
13. A copy of a receipt dated May 25, 2001, from Hot Springs Municipal Court.
14. Copies of the birth certificate, Social Security Card, and identification cards of her son, [REDACTED], born in Arkansas on April 23, 1996.
15. Copies of the birth certificate, Social Security Card, and identification cards of her daughter, [REDACTED] born in Arkansas on December 27, 1997.
16. Copies of the immunization records from Garland County Health Unit for her two children reflecting vaccinations from April 23, 1996 to August 9, 2001.
17. A letter dated August 19, 2005, from [REDACTED], Counselor at Oaklawn Visual and Performing Arts, who stated that the applicant's children have attended school there since kindergarten.

The evidence submitted, as detailed above, reflects that the applicant has maintained her residence in the United States at least since 1996.

The applicant has submitted sufficient evidence to establish her qualifying continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001. Given that the record fails to reflect any other ineligibility issues, the director's decision to deny the instant application will be withdrawn and the application will be approved.

ORDER: The appeal is sustained and the application is approved.