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**U.S. Citizenship
and Immigration
Services**

ML



FILE: [REDACTED]
[EAC 01 205 54699]

Office: VERMONT SERVICE CENTER

Date: NOV 06 2007

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The case will be remanded for further consideration and action.

The applicant claims to be a native and citizen of El Salvador who is applying for 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 failed to establish continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since March 9, 2001.

On appeal, the applicant asserts that she entered the United States on or around July 21, 1997. In support of her statement, the applicant submits the following evidence.

1. a District of Columbia birth certificate indicating that [REDACTED] was born to the applicant on August 3, 2000;
2. a photocopy of an immunization record indicating that the applicant's son received immunizations on the following dates: August 4, 2000; October 17, 2000; December 8, 2000; February 8, 2001; August 13, 2001; November 7, 2001; November 20, 2003; and, August 17, 2004;
3. a photocopy of a letter from the Social Security Administration (SSA), dated October 30, 2000;
4. a photocopy of the applicant's 2000 and 2001 Internal Revenue Service (IRS) Forms W-2, Wage and Tax Statements, from Republic Foods, Inc., in Bethesda, Maryland, and her IRS Forms 1040, U.S. Individual Income Tax Returns;
5. photocopies of Citizenship and Immigration Service (CIS) cover letters dated June 29, 2001, and January 21, 2003;
6. a letter, dated January 21, 2003, from [REDACTED], Support Director for Mary's Center for Maternal and Child Care in Washington, D.C., stating that the applicant was a participant in the Healthy Families DC program from June 19, 2000, through February 20, 2003, and that the applicant received regular home visits at her home located at [REDACTED], Washington, D.C., during her participation in the program;
7. a handwritten letter, on plain paper, stating that the applicant had worked at a Burger King located at [REDACTED] Washington, D.C., since July 8, 2000, and a typed letter, on plain paper, dated January 24, 2005, also stating that the applicant had worked at the Burger King since July 8, 2000;
8. photocopies of medical records from Mary's Center for Maternal and Child Care in Washington, D.C., reflecting well baby visits of the applicant's son, [REDACTED] on

the following dates: December 8, 2000; February 8, 2001; May 3, 2001; August 13, 2001; and, November 7, 2001; and,

9. a letter, dated April 23, 2001, addressed to "To Whom It May concern," explaining the procedure for sponsoring the applicant for a labor certification from the Department of Labor.

The applicant has submitted sufficient evidence to establish her continuous residence and continuous physical presence in the United States throughout the requisite time periods. She has, thereby, established that she has met the criteria described in 8 C.F.R. §§ 244.2(b) and (c), and the sole grounds for denial of the application have been overcome.

However, the application may not be approved. The applicant has submitted a photocopy of a Salvadoran birth certificate, with English translation, but she has not provided an official Salvadoran photo identification document to establish her identity and nationality as set forth at 8 C.F.R. 244.9(a)(1).

The director's decision will be withdrawn and the case will be remanded. The director shall provide the applicant an opportunity to provide evidence to establish her identity and nationality. The director may request any other evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS offered to Salvadorans.

ORDER: The case is remanded for further action consistent with the foregoing and issuance of a new decision.