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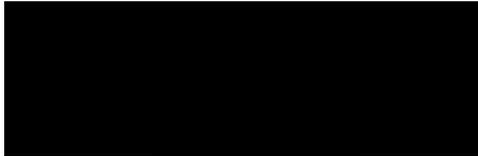
U.S. Department of Homeland Security  
20 Massachusetts Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE:

[LIN 04 200 52507]

Office: Nebraska Service Center

Date: OCT 18 2007

IN RE:

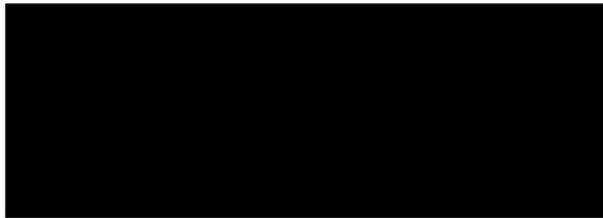
Applicant:



APPLICATION:

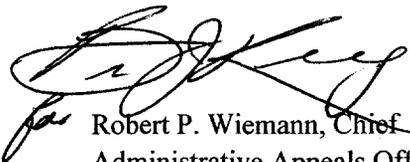
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision 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, Nebraska Service Center, and is now before the Administrative Appeals Office (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 director denied the application because the applicant failed to establish her eligibility for late registration. The director also denied the application because the applicant failed to establish her qualifying continuous residence and continuous physical presence during the requisite time periods.

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

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

- (a) Is a national, as defined in section 101(a)(21) of the Act, of a foreign 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 § 244.3;
- (e) Is not ineligible under § 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.
- (g) Has filed an application for late registration with the appropriate Service director, within a 60-day period immediately following the expiration or termination of conditions described in paragraph (f)(2) of this section.

The burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by CIS. 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b).

The record of proceedings confirms that the applicant filed a TPS application during the initial registration period for Salvadorans from March 9, 2001, through September 9, 2002. In fact, the applicant filed two applications during the initial registration period; one on June 29, 2001, under receipt number LIN 01 213 50837 and one on September 6, 2002, under receipt number LIN 02 287 50578. The former was denied on January 22, 2002, when the director determined that the applicant had abandoned her application by failing to respond to a Request For Evidence. The latter was denied by the director in an undated decision when the director determined that the applicant had failed to establish her qualifying continuous residence and physical presence in the United States or her eligibility for late registration. The applicant filed the current application on June 24, 2004.

On October 14, 2004, the applicant was requested to submit evidence establishing her eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2). The applicant was also requested to submit evidence establishing her residence in the United States since February 13, 2001, and her continuous physical presence in the United States from March 9, 2001. The applicant was also requested to submit a copy of her birth certificate or passport. In response, the applicant submitted copies of her El Salvadoran birth certificate along with an English translation and her El Salvadoran personal identification card (Cedula). The applicant also submitted some evidence in an attempt to establish her continuous physical presence and continuous residence in the United States as well as copies of documentation relating to her removal proceedings. The director determined that the applicant had failed to establish she was eligible for TPS late registration and her qualifying residence and physical presence.

On appeal, the applicant states that she has been in the United States since July 2000, and that she has not left since that time. The applicant also provides the following documentation along with her appeal: a copy of an authorization dated February 27, 2004, from the Department of Social and Health Services in Tumwater, Washington; a copy of a receipt dated November 15, 2003, from the Ministerio De Relaciones Exteriores of the Consulate General of El Salvador located in Seattle, Washington; a copy of a receipt dated March 22, 2003, from

Woodlawn Funeral Home and Cemetery; a copy of a letter dated December 19, 2004, from [REDACTED] who stated that she has known the applicant since January 2001; a copy of a letter dated December 2, 2004, from [REDACTED] who stated he has known the applicant since August 2000, and she lived in his house for one year; a copy of a rent receipt dated June 4, 2004, from [REDACTED] copies of four rent receipts dated September 5, 2001, December 3, 2002, June 3, 2003, and February 2, 2004; and a copy of an earnings statement from Briggs Nursery, Inc. bearing a pay date of February 13, 2004.

A review of the evidence contained in the record establishes that the applicant has continuously resided in the United States since February 13, 2001, and has been continuously physically present in the United States since March 9, 2001, to the date of filing her application. Therefore, the director's decision will be withdrawn and the application will be approved.

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.

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