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[consolidated herein]
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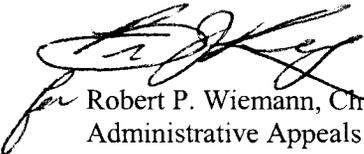
IN RE: Applicant: 

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

ON BEHALF OF APPLICANT: 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, Vermont 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 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 had failed to submit sufficient evidence to establish that she had continuously resided in the United States since February 13, 2001.

On appeal, counsel submits a statement and additional evidence.

Although a Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted, the individual named is not authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

It is noted that during the pendency of the Form I-290B, Notice of Appeal to the Administrative Appeals Office, filed on October 12, 2004, the applicant filed a subsequent Form I-821, Application for Temporary Protected Status, on February 2, 2005, and indicated that she was re-registering for TPS. The Director, California Service Center (CSC) prematurely denied the re-registration application on January 9, 2007, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. The record does not contain evidence that the applicant appealed this decision of the director. However, the applicant's initial TPS application is being approved; therefore, the decision of the CSC director to deny the re-registration application will be withdrawn.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an alien who is a national of a foreign state designated by the Attorney General is eligible for temporary protected status 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 8 C.F.R. § 244.4; and
- (f)
 - (1) Registers for TPS 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.

The term *continuously resided*, as defined in 8 C.F.R. § 244.1, means residing in the United States for the entire period specified in the regulations. An alien shall not be considered to have failed to maintain continuous residence in the United States by reason of a brief, casual, and innocent absence as defined within this section or due merely to a brief temporary trip abroad required by emergency or extenuating circumstances outside the control of the alien.

The term *continuously physically present*, as defined in 8 C.F.R. § 244.1, means actual physical presence in the United States for the entire period specified in the regulations. An alien shall not be considered to have failed to maintain continuous physical presence in the United States by virtue of brief, casual, and innocent absences as defined within this section.

Persons applying for TPS offered to El Salvadorans must demonstrate that they have continuously resided in the United States since February 13, 2001, and that they have been continuously physically present in the United States since March 9, 2001. On July 9, 2002, the Attorney General announced an extension of the TPS designation until September 9, 2003. Subsequent extensions of the TPS designation have been granted, with the latest extension valid until March 9, 2009, upon the applicant's re-registration during the requisite time period.

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 Citizenship and Immigration Services (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 shows that the applicant filed her initial TPS application on April 24, 2001. In a notice of intent to deny dated May 21, 2004, the applicant was requested to submit additional evidence establishing her continuous residence in the United States since February 13, 2001. The director determined that in response, the applicant submitted insufficient evidence to establish continuous residence during the requisite period and denied the application on September 22, 2004.

On appeal, counsel asserts that the applicant has been residing in the United States since at least 2000. He submits:

1. A copy of a Temporary Certificate issued by the Virginia Department of Motor Vehicles on January 13, 2000, and a copy of a notice of renewal for vehicle registration expiring on March 31, 2001.

2. Copies of Fairfax County Personal Property Tax billing statements for the tax years 2001 and 2002.
3. A copy of Form 1040EZ, Income Tax Return, for 2001.
4. Copies of statements from Tracker Finance Corp., Falls Church, Virginia, dated December 4, 2000, and January 25, 2001.
5. A copy of a statement from Verizon dated August 20, 2001.
6. A copy of State Farm Insurance statement dated February 25, 2002.

The evidence furnished by the applicant on appeal, in conjunction with other evidence included in the record of proceeding, is sufficient to establish that the applicant has met the continuous residence requirements described in 8 C.F.R. § 244.2(c). Therefore, the director's decision will be withdrawn and the application will be approved.

It is noted that Form I-221, Order to Show Case and Notice of Hearing, was issued on February 25, 1997. On June 3, 1997, in Los Angeles, California, the Immigration Judge administratively closed removal proceedings.

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.