

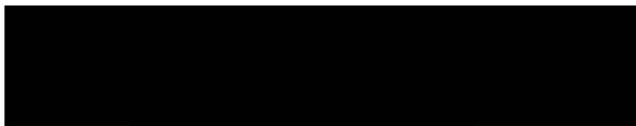


U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] OFFICE: Vermont Service Center DATE: APR 29 2008
[EAC 01 19952119]
[EAC 08 048 51096, motion]

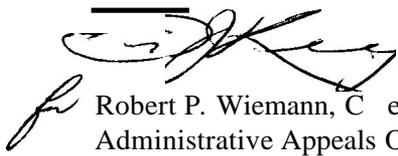
INRE: Applicant: [REDACTED]

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. A subsequent appeal was dismissed by the Chief, Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reopen. The motion to reopen 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 record reveals that the applicant filed her initial TPS application on May 18, 2001, within the initial registration period, under Citizenship and Immigration Services (CIS) receipt number EAC 01 19952119. The Director, Vermont Service Center, denied that application on November 24, 2004 because the applicant failed to respond to the Service's September 20, 2004 request for additional evidence regarding her continuous residence and continuous physical presence in the United States during the requisite periods. A subsequent appeal of the director's decision was dismissed by the Director, now Chief, of the AAO on January 17, 2006. The applicant submitted a motion to reopen which was dismissed as untimely filed by the AAO on November 16, 2007.

On motion, the applicant explains that she did not receive the September 20, 2004 notice from the director, because the Immigration Community Services, which she had retained to assist her in the application process, put their address instead of her home address on the TPS application. She further states that the director's notice was sent to the Immigration Community Services address, but they did not inform her of the request for additional information until five months later.

The applicant submits a copy of a letter dated September 14, 2007 from the Police Department of Suffolk County, New York, certifying that the applicant does not appear on an warrant or arrest record; copies of affidavits dated November 27, 2007 and December 1, 2007 from an respectively, attesting to having known the applicant since September of 2000; copies of Form W-2, Wage and Tax Statement, for the years 2000 to 2006; copies of Form 1040A, U.S. Individual Income Tax Return, for the years 2002, 2003, 2005, and 2006; and a copy of a letter dated November 29, 2007 from of St. John of God Catholic Parish stating that the applicant has been a parishioner since 2000.

The record contains sufficient evidence to establish the applicant's eligibility for TPS and does not reflect any grounds that would bar the applicant from receiving TPS. The record contains sufficient evidence to establish the applicant's continuous residence in the United States since February 13, 2001 and continuous physical presence in the United States since March 9, 2001. Therefore, the director's decision will be withdrawn, and the initial 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 motion is sustained.