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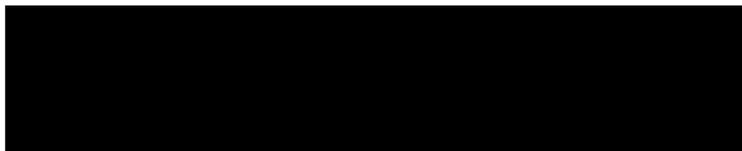
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] OFFICE: VERMONT SERVICE CENTER DATE: FEB 11 2008
[EAC 01 240 51858]

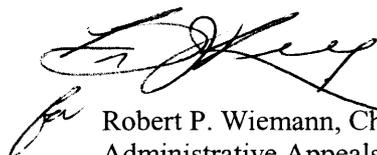
IN RE: Applicant: [REDACTED]

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 (VSC). An appeal from that decision was dismissed by the Director, now Chief, Administrative Appeals Office (AAO). The case is now before the AAO on a motion to reopen. The motion to reopen will be granted. The decision to deny the application will be withdrawn, and the application will be approved.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 record reveals that the applicant filed her Form I-821, Application for Temporary Protected Status, on August 1, 2001, during the initial registration period for nationals of El Salvador. The director denied the application on May 13, 2003, because the applicant failed to establish her qualifying continuous residence and continuous physical presence in the United States during the requisite time periods. An appeal from that decision, filed on June 2, 2003, was dismissed by the AAO on November 3, 2004, also because the applicant failed to establish her qualifying continuous residence and continuous physical presence in the United States during the requisite time periods. On May 17, 2007, the applicant filed a motion to reopen the AAO's decision. Although the motion to reopen was filed after the required time period, it will be granted under the exception provisions provided in 8 C.F.R. §103.5(a)(i).

The applicant filed her Form I-821 during the initial registration period. A review of the applicant's record reflects that it contains evidence to establish her nationality and identity, as required under the provisions of 8 C.F.R. § 244.9(a)(1). On motion, the applicant has also submitted sufficient additional evidence to overcome the director's initial reasons for denial of the application. There are no other known grounds of ineligibility. Therefore, the director's decision to deny the application will be withdrawn, and the application will be approved.

An alien applying for Temporary Protected Status has the burden of proving that she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. Here, the applicant has met this burden.

ORDER: The appeal is sustained. The decision of the director, dated May 13, 2003, is withdrawn. The application is approved.