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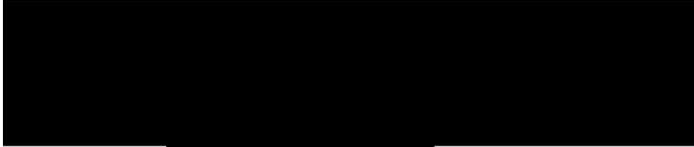
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:



Office: VERMONT SERVICE CENTER

Date: FEB 15 2008

[EAC 06 356 76808 as it relates to WAC 01 263 58836]

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 Vermont Service Center. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, California Service Center (CSC). A subsequent application for re-registration was denied by the Director, Vermont Service Center, and is currently before the Administrative Appeals Office (AAO) on appeal. The case will be *sua sponte* reopened, the applications will be approved and the appeal 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 applicant filed an initial Form I-821, Application for Temporary Protected Status, on August 6, 2001, under receipt number WAC 01 263 58836 during the initial registration period which was denied by the CSC Director on March 20, 2002, because the applicant had not met the continuous residence and continuous physical presence requirements for TPS. Two subsequent Forms I-821 under receipt numbers WAC 03 034 52420 and WAC 05 141 78660 were denied by the CSC Director because the applicant had not previously been granted TPS. An appeal to the director's decision under WAC 05 141 78660 was rejected by the CSC Director as untimely.

The applicant filed a subsequent Form I-821 on September 21, 2006 under receipt number EAC 06 356 76808.

The VSC Director found the applicant has submitted adequate documentation to establish that he has met the residence and physical presence requirements but determined that he had not submitted evidence to establish his eligibility under the late registration provisions.

As stated above, the CSC Director denied the initial application because the applicant had not met the continuous residence and continuous physical presence requirements for TPS. On May 3, 2007, the VSC Director determined that the applicant has met the continuous residence and continuous physical presence requirements. After review of the entire record, AAO agrees with the VSC Director's determination concerning the applicant's continuous residence and continuous physical presence in the United States and finds that the grounds for denial of the initial application have been overcome.

The applicant has satisfied all other eligibility requirements for TPS. Therefore, the application is approved.

The director's denial of the application for re-registration or renewal is dependent upon the adjudication of the initial application. Since the initial application is being approved, the appeal from the denial of the re-registration will be sustained and that application will also be approved.

It is also noted that in removal proceedings held on May 4, 1999, an Immigration Judge ordered the applicant deported "in absentia" to El Salvador.

An alien applying for temporary protected status has the burden of proving that he or she meets all requirements and is eligible under the provisions of section 244 of the Act. The applicant has met this burden.

ORDER: The denial of the initial application is withdrawn, the appeal for the re-registration application is sustained, and both applications are approved.