

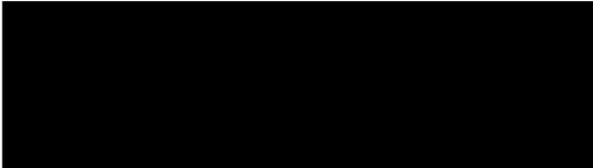
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U.S. Citizenship
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FILE: [REDACTED]
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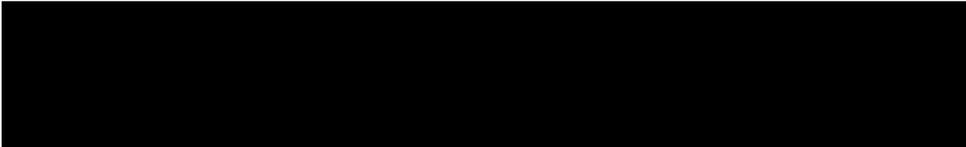
Office: VERMONT SERVICE CENTER

Date: FEB 25 2008

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:



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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

for 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 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 The decision to deny the application will be withdrawn, and the application will be approved.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 September 9, 2002, during the initial registration period for nationals of El Salvador. The director initially denied the application on June 3, 2003, due to abandonment because the applicant failed to appear for a fingerprinting appointment required in connection with her application.

The director reopened the proceedings and, on June 9, 2004, and again on August 3, 2004, requested the applicant to submit evidence to establish her qualifying continuous residence and continuous physical presence in the United States during the requisite time periods. On November 24, 2004, the director denied the application. A motion to reopen that decision, filed on January 13, 2005, was dismissed by the VSC director on February 15, 2005. An appeal from the VSC director's decision, filed on March 18, 2005, was dismissed by the AAO on June 26, 2006. The applicant, through counsel, filed her current motion to reopen the AAO decision on October 20, 2006. 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).

On motion, counsel submits sufficient additional evidence to overcome the director's initial reasons for denial of the application. Specifically, counsel submits a photocopy of the biographic page from the applicant's El Salvadoran passport as evidence of the applicant's nationality and identity, as required under the provisions of 8 C.F.R. § 244.9(a)(1). Counsel also submits additional documentation, dated January 13, 2001 through August 8, 2001, to establish the applicant's qualifying continuous residence in the United States since February 13, 2001, and continuous physical presence from March 9, 2001, to the date of filing her application on September 9, 2002. 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 November 24, 2004, is withdrawn. The application is approved.