



U.S. Citizenship
and Immigration
Services

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FILE:

[REDACTED]
[EAC 05 22976286]

Office: Vermont Service Center Date: FEB 26 2008

INRE:

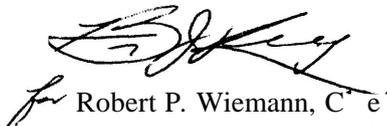
Applicant: [REDACTED]

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.


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was denied by the Director, Vermont Service Center, and the case is now before the Administrative Appeals Office (AAO) 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 record reveals that the applicant filed a TPS application on May 12, 2005, under CIS receipt number EAC 05 229 76286. The director denied the application because the applicant failed to establish that he was a national of El Salvador and failed to establish that he had been continuously physically present in the United States from March 9, 2001, to the date of filing his TPS application.

On appeal, the applicant asserts his eligibility for TPS and submits additional evidence.

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 nationality and his continuous residence since February 13, 2001, and continuous physical presence in the United States from March 9, 2001, to the date of filing his application, May 12, 2005. In addition, the record of proceeding contains a copy of the applicant's birth certificate with an English translation, and a copy of the biographic page of the applicant's Salvadoran passport. Moreover, the record contains documentation, including copies of certificates of awards presented to the applicant during the school years 1998 to 2004; and, copies of his student ID cards from Lindenhurst Middle School for the years 2004 to 2007, which cumulatively establish the requisite continuous physical presence. Therefore, the director's decision will be withdrawn, and the initial application will be approved.

The burden of proof in these proceeding rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. The applicant has sustained that burden.

ORDER: The appeal is sustained and the application is approved.