

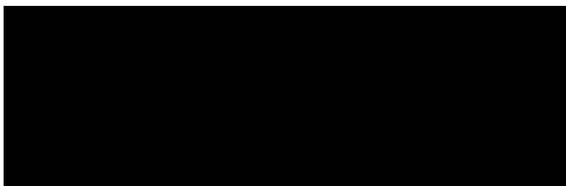
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U.S. Department of Homeland Security  
20 Massachusetts Avenue, N.W., Rm. 3000  
Washington, DC 20536

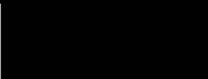


U.S. Citizenship  
and Immigration  
Services

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FILE:



[EAC 02 00252902]

Office: VERMONT SERVICE CENTER

Date: JAN 22 2008

INRE:

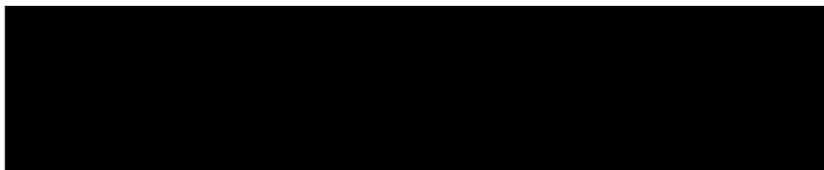
Applicant:



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 office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "Robert P. Wieman".

Robert P. Wieman, Chief  
Administrative Appeals Officer

**DISCUSSION:** The application was denied by the Director, Vermont Service Center (VSC), and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained. The decision of the VSC director will be withdrawn, and the application will be approved.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 director denied the application because the applicant failed to establish he had continuously resided in the United States from February 13, 2001, and had been continuously physically present in the United States from March 9, 2001, to the date of filing his application on September 5, 2001.

On appeal, the applicant states that he does not agree with the director's decision and submits additional documentation in support of his claim for TPS eligibility.

Section 244(c) of the Act, and the related regulations in 8 c.P.R. § 244.2, provide that an applicant is eligible for TPS only if such alien establishes that he:

- (a) Is a national, as defined in section 101(a)(21) of the Act, of a foreign state designated under section 244(b) of the Act;
- (b) Has been continuously physically present in the United States since the effective date of the most recent designation of that foreign state;
- (c) Has continuously resided in the United States since such date as the Attorney General may designate;
- (d) Is admissible as an immigrant except as provided under § 244.3;
- (e) Is not ineligible under § 244.4; and
- (f)
  - (1) Registers for Temporary Protected Status during the initial registration period announced by public notice in the FEDERAL REGISTER, or
  - (2) During any subsequent extension of such designation if at the time of the initial registration period:
    - (i) The applicant is a nonimmigrant or has been granted voluntary departure status or any relief from removal;
    - (ii) The applicant has an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;

(iii) The applicant is a parolee or has a pending request for reparole; or

(iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.

(g) Has filed an application for late registration with the appropriate Service director, within a 60-day period immediately following the expiration or termination of conditions described in paragraph (f)(2) of this section.

Persons applying for TPS offered to El Salvadorans must demonstrate continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since March 9, 2001. The initial registration period for El Salvadorans was from March 9, 2001, through September 9, 2002. The record reflects that the applicant filed his initial application with the Immigration and Naturalization Service (INS), now Citizenship and Immigration Services (CIS) on September 5, 2001.

The burden of proof is upon the applicant to establish that he meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by CIS. 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his burden of proof the applicant must provide supporting documentary evidence of eligibility apart from his own statements. 8 C.F.R. § 244.9(b).

The record of proceedings contains various documentation to establish the applicant's qualifying continuous residence and continuous physical presence in the United States, including, but not limited to the following: a letter from \_\_\_\_\_ dated April 23, 2003, stating that the applicant had been a member of his parish in Bronx, New York, since 1995; letters of employment from \_\_\_\_\_, Bronx, New York, dated April 28, 2003, and February 28, 2006, stating that the applicant had worked for him since 2001; a letter from \_\_\_\_\_, Bronx, New York, dated April 23, 2003, stating that the applicant had resided at a property at \_\_\_\_\_, Brooklyn, New York, since September 1, 1998; a lease renewal agreement signed by the applicant for an apartment at \_\_\_\_\_ Brooklyn, New York, dated April 20, 2001, and signed by the applicant on May 14, 2001; Internal Revenue Service (IRS) documentation dated 2001; and documentation dated 2002 through 2005.

Based on the evidence submitted, it is concluded that the applicant has submitted sufficient credible evidence to establish his qualifying residence in the United States since February 13, 2001, and physical presence in the United States since March 9, 2001, to the date of filing his application on September 5, 2001. He has, therefore, established that he has met the criteria described in 8 C.F.R. § 244.2(b) and (c). There are no other known grounds of ineligibility; therefore, the director's decision will be withdrawn, and the application will be approved.

An alien applying for TPS has the burden of proving that he 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 VSC director, dated April 2, 2003, is withdrawn, and the application is approved.