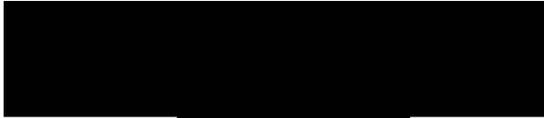




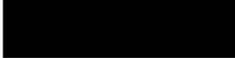
U.S. Citizenship
and Immigration
Services

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prevent ~~clear~~ unwarranted
invasion of personal privacy**

PUBLIC COPY



FILE:



Office: VERMONT SERVICE CENTER

Date: **JAN 22 2008**

[EAC 02 125 52071]

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vennont Service Center (VSC). An appeal from that decision was dismissed by the Administrative Appeals Office (AAO). The matter 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 The decision to deny the application will be withdrawn, and the application will be approved.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 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 on August 22, 2003, after determining that the applicant failed to establish that she had continuously resided in the United States since February 13, 2001, and had been continuously physically present in the United States since March 9, 2001. The applicant filed an appeal from that decision on September 10, 2003. The AAO dismissed the appeal on March 3, 2005. On September 30, 2005, 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).

A review of the applicant's record reflects that it contains evidence to establish her nationality and identity. On motion, counsel has submitted sufficient evidence, including medical records regarding the applicant's son, to overcome the director's initial reasons for denial of the application, and an adequate explanation of the discrepancies encountered at the time of the AAO's dismissal of the appeal regarding the applicant's residence in late 1999 and early 2000. 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 decision of the director, dated August 22, 2003, is withdrawn. The application is approved.