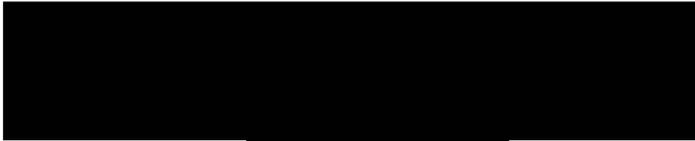


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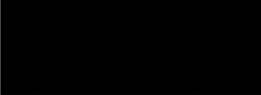


U.S. Citizenship
and Immigration
Services

PUBLIC COPY



FILE:



OFFICE: Vermont Service Center DATE JUN 0' 9 2008

[EAC 07 19450823]

INRE: Applicant:



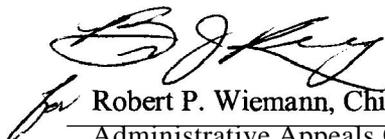
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration
and Nationality Act, 8 U.S.c. § 1254

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.


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's initial Temporary Protected Status application was denied by the Director, Vermont Service Center (VSC), and the case is now before the Administrative Appeals Office (AAO) on appeal. The decision of the director will be withdrawn, the appeal will be sustained and the application will be approved.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 applicant filed an initial application for TPS on July 2, 2001, under receipt number EAC 0122351224. The director denied that application on July 15, 2003 based on abandonment because the applicant had failed to respond to a December 9, 2002 request for additional evidence. A subsequent appeal of the director's decision was rejected by the VSC because it was untimely filed, but was accepted as a motion to reopen. This motion to reopen, however, was dismissed by the VSC on June 12, 2007, after the director determined that the applicant had failed to establish her continuous residence and continuous physical presence in the United States during the required time frame. On June 27, 2007, the applicant filed an appeal of the director's decision which was rejected by the VSC as an untimely appeal and accepted as a motion to reopen. The motion was dismissed by the director on October 15, 2007, after he determined that the applicant had failed to establish her continuous residence and continuous physical presence in the United States during the qualifying periods. The applicant has now appealed the director's decision.

On appeal, the applicant submits additional evidence in the form of copies of paychecks, an affidavit from her employer and a copy of an Employee Eligibility Verification form, signed by the applicant on January 26, 2001. In addition, the record contains a Form 1-862, Notice to Appear, which indicates the applicant entered the United States at or near Laredo, Texas, on July 21, 2000, a copy of a Motion to Reopen Administrative Proceedings, signed by the applicant's former attorney on May 9, 2001; and a copy of her Salvadoran birth certificate, which reflects that the birth certificate was translated into English on June 11, 2001.

The record contains sufficient evidence to establish the applicant's continuous residence and continuous physical presence in the United States during the requisite periods which establishes the applicant's eligibility for TPS. The record does not reflect any grounds that would bar the applicant from receiving TPS. There are no other known grounds of ineligibility; consequently, the director's decision will be withdrawn and the appeal will be sustained.

An alien applying for Temporary Protected Status has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has met this burden.

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