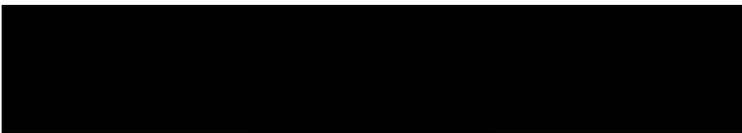




U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
[EAC 06 314 73706]

OFFICE: Vermont Service Center DATE: **MAY 12 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: 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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for 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 The director's decision will be withdrawn and the appeal will be sustained.

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 July 31, 2006, under CIS receipt number EAC 0631473706. The director denied the application because the applicant failed to establish that she was eligible for late registration. The director also found that the applicant had failed to establish her qualifying continuous residence, and continuous physical presence in the United States to the date of filing her TPS application.

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

The applicant submitted evidence that her mother, _____ is a TPS recipient. Therefore, during the initial registration period, the applicant was the child of an alien currently eligible to be a TPS registrant, and she is eligible for late registration under 8 C.F.R. § 244.2(f)(2). 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 continuous residence since February 13, 2001 and continuous physical presence in the United States since March 9, 2001, to the date of filing her application, July 31, 2006. In addition, the record of proceeding contains a copy of the applicant's Salvadoran passport with an entry stamp by IMM. & NATZ, SERVICE, dated November 3, 2000. Moreover, the record contains documentation, including copies of school records from Boston Public School for the years 2000 to 2005, which cumulatively establish the requisite continuous residence and 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.