



U.S. Citizenship
and Immigration
Services

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FILE:

[WAC 02 20453380]

OFFICE: California 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:

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 applicant's Temporary Protected Status was denied by the Director, California Service Center, 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 The decision of the director will be withdrawn, the appeal will be sustained and the application will be approved.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 June 7, 2002, under receipt number WAC 02 204 53380. The director denied the initial application on January 6, 2003, because the applicant had failed to submit sufficient evidence to establish his nationality and identity.

On appeal, counsel for 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 of proceeding contains sufficient evidence to establish the applicant's nationality and identity as it includes a copy of the applicant's Salvadoran passport, and a copy of the applicant's Salvadoran voter's registration card which expired on October 10, 1987. The record also contains sufficient evidence to establish the applicant's continuous residence and continuous physical presence in the United States during the requisite periods. There are no other known grounds of ineligibility; therefore, the director's decision will be withdrawn and the appeal will be sustained.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.