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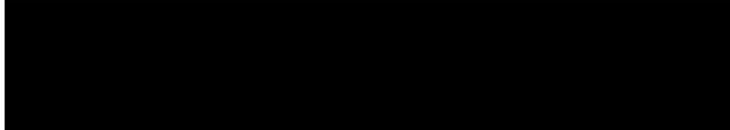
Office: VERMONT SERVICE CENTER

Date: JUL 27 2007

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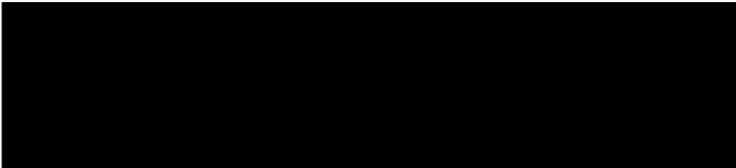
IN RE:

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DISCUSSION: Approval of the application was withdrawn by the Director, Vermont Service Center (VSC). The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is a citizen and national of El Salvador who was granted 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 August 5, 2002. The Director, Texas Service Center (TSC), approved that application on January 24, 2003. The director of the VSC withdrew the applicant's TPS status on June 13, 2006, after determining that the applicant failed to establish her qualifying continuous residence and continuous physical presence in the United States. The director noted in his decision that Citizenship and Immigration Service (CIS) records revealed that the applicant did not enter the United States until June 24, 2002.

Sec. 244.14 Withdrawal of Temporary Protected Status.

(a) Authority of director. The director may withdraw the status of an alien granted Temporary Protected Status under section 244 of the Act at any time upon the occurrence of any of the following: (Amended 11/16/98; 63 FR 63593)

(1) The alien was not in fact eligible at the time such status was granted, or at any time thereafter becomes ineligible for such status;

On January 13, 2006, the director sent a notice of intent to withdraw the applicant's TPS status based on CIS records revealing that the applicant entered the United States on June 24, 2002.

In response, the applicant, through counsel, submitted the following: a letter from [REDACTED] stating that some parishioners give witness regarding the applicant arriving in the United States on December 18, 1999; a letter dated February 3, 2006, from [REDACTED], stating that he had known the applicant for over six years; an employment letter dated January 24, 2006, from [REDACTED] and [REDACTED], stating that the applicant had worked for them from December 28, 1999 to December 10, 2001; and, a letter dated February 1, 2006, from [REDACTED], stating that she had known the applicant since January 2000.

The director withdrew the applicant's TPS status on June 13, 2006, because it was determined that the applicant failed to establish her qualifying continuous residence and continuous physical presence in the United States. The director also noted in his decision that the record revealed that the applicant entered the United States on June 24, 2002, and therefore, she was ineligible for TPS.

On appeal, counsel asserts the applicant's eligibility for TPS. Counsel also submits copies of previously submitted evidence.

The church letter from [REDACTED] has little evidentiary weight or probative value as it does not provide basic information that is expressly required by 8 C.F.R. § 244.9(a)(2)(v). Furthermore, the pastor's statement is not supported by corroborative evidence. The letter from [REDACTED] and [REDACTED] regarding the applicant's employment is not supported by corroborative evidence, such as earnings statements. In addition, [REDACTED] stated that he has known the applicant for over six years; however, he does not state where such relationship existed. Also, the letter from [REDACTED] lacks reference regarding where she and the applicant have known each other.

It is noted that another record, [REDACTED], reflects that the applicant was apprehended by United States Border Patrol agents on June 24, 2002, while attempting to enter the United States illegally. The record also reveals that the applicant stated to the agents that she had left El Salvador on May 25, 2002, traveled through Guatemala, and then arrived to Reynosa, Tamaulipas, Mexico, on June 22, 2002. She also admitted that she crossed the Rio Grande River on June 23, 2002.

The applicant could not have established her continuous residence in the United States since February 13, 2001, and her continuous physical presence in the United States since March 9, 2001. 8 C.F.R. § 244.2(b) and (c). Therefore, the director's decision to withdraw the applicant's TPS status will be sustained, and the applicant remains ineligible for TPS.

It is also noted that the applicant was ordered removed from the United States by an Immigration Judge on September 10, 2002, at Houston, Texas, under file number [REDACTED]. The record of proceedings also contains a Warrant of Removal dated October 8, 2002.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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 failed to meet this burden.

ORDER: The appeal is dismissed.