



U.S. Citizenship
and Immigration
Services

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FILE:

[SRC 01 185 68342]

Office: TEXAS SERVICE CENTER

Date: JUN 01 2007

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 California Service Center. Any further inquiry must be made to that office.

Cindy M. Gomez

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas Service Center, (TSC), and is now before the Administrative Appeals Office on appeal. The appeal is 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 applicant filed an initial application for TPS under Citizenship and Immigration Services receipt # SRC 01 185 68342 which was denied by the director on November 7, 2003, because the applicant had failed to respond to a Notice of Intent to Deny (NOID), requesting that he submit photo identification.

On appeal, the applicant provides postal documentation and asserts that he responded to the TSC Director's NOID dated February 5, 2003, by submitting a copy of his Texas driver's license.

The record reveals that applicant complied with the TSC Director's request and a copy of his Texas driver's license was received for the record on February 28, 2003. In addition, the applicant's record does contain his El Salvadoran passport confiscated from him when he was apprehended in 1990 by the United States Border Patrol.

The applicant has satisfied all other eligibility requirements for TPS. Therefore, the application is approved.

It is noted that the applicant was ordered removed [deported] on May 20, 1996, after he exhausted all appeal rights through to the 5th Circuit Court.

An alien applying for TPS has the burden of proving that he or she meets the requirements listed 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.