



U.S. Citizenship
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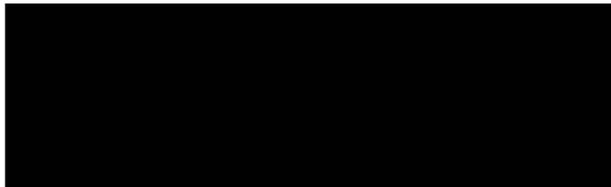
FILE: [REDACTED]
[EAC 0608651938]

OFFICE: Vermont Service Center DATE: MAY 12 2008

INRE: Applicant: [REDACTED]

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 initial Temporary Protected Status application was denied by the Director, Vermont 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 The decision of the director will be withdrawn, the appeal will be sustained and the application will be approved.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 January 26, 2006, under receipt number EAC 06 086 51938. The director denied the initial application on October 16, 2006, because the applicant had failed to establish her continuous residence and continuous physical presence in the United States during the requisite periods.

On appeal, counsel erroneously states that the director denied the applicant's TPS application for late initial registration. Counsel further states that the applicant filed a late TPS application because she had an asylum application pending and she was placed in removal proceedings by the issuance of a notice to appear dated December 20, 2005.

The record reflects that the applicant's asylum application was referred to an immigration judge on December 20, 2005, because she failed to appear for two scheduled asylum interviews on September 20, 2005, and on October 19, 2005. At a subsequent hearing on April 4, 2006, the immigration judge ordered the asylum application administratively closed in order that the applicant could apply for TPS.

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 and does not reflect any grounds that would bar the applicant from receiving TPS. The record of proceeding also reveals that on July 1, 2002, the applicant was issued a Form I-512, Authorization for Parole of an Alien into the United States, for humanitarian reasons until July 27, 2003. 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.