

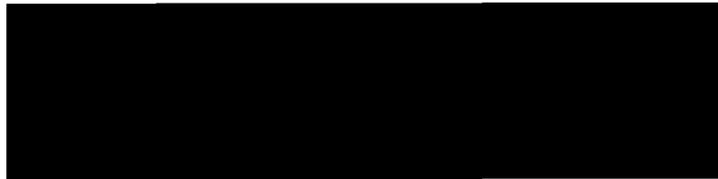
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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DATE: Office: VERMONT SERVICE CENTER FILE

MAR 12 2012

IN RE: Applicant:

APPLICATION: Application for Temporary Protected Status under Section 244 of the
Immigration and Nationality Act, 8 U.S.C. § 1254a

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the Vermont Service Center. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the Vermont Service Center by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded for further action.

The AAO conducts appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004).

The applicant is seeking Temporary Protected Status under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254. As evidence to establish his identity and nationality, the applicant submitted his birth certificate with English translation, his identification card (cedula) and his passport, which indicated that he is a national and citizen of El Salvador.

On July 18, 2011, the director denied the application because it was determined that the applicant had failed to establish continuous residence since December 30, 1998, and continuous physical presence since January 5, 1999, in the United States. The director also denied the application because the applicant failed to establish he was eligible for late registration.

The director's decision was based on an incorrect application of law as the re-designation of El Salvador's TPS eligibility became effective on March 9, 2001, and nationals and citizens of El Salvador must establish continuous residence since February 13, 2001, and continuous physical presence since March 9, 2001.

Accordingly, the director's decision will be withdrawn. The case will be remanded for issuance of a new decision referencing the correct application of law for nationals and citizens of El Salvador.

ORDER: The case is remanded to the director for further action consistent with the above.