

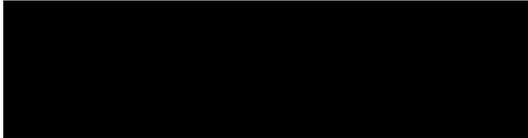
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U.S. Citizenship  
and Immigration  
Services



MU

FILE:



Office: VERMONT SERVICE CENTER

Date: NOV 9 2 2004

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: SELF-REPRESENTED

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, Director  
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.

The applicant is stated to be 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 director determined that the applicant had failed to establish that he had been continuously physically present in the United States since March 9, 2001. Therefore, the director denied the application.

The applicant filed an appeal and that appeal is now before the AAO.

On March 5, 2004, the director requested that the case be remanded to the VSC. Accordingly, without addressing the merits of the case, the appeal will be remanded to the director for further processing in accordance with his request.

It is noted that the applicant previously was obtaining employment authorization as an asylum applicant and that his last EAD expired on January 10, 2002. The status of his asylum application (or that of his mother's, as he was a minor at the time of her application, [REDACTED]) cannot be determined from the record.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

**ORDER:** The director's decision is withdrawn. The case is remanded to the director for further consideration and action.