



U.S. Citizenship  
and Immigration  
Services

M

[Redacted]

FILE:

[Redacted]

Office: Vermont Service Center

Date:

SEP 07 2004

IN RE:

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:

[Redacted]

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.

for Robert P. Wiemann, Director  
Administrative Appeals Office

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prevent clearly unwarranted  
invasion of personal privacy**

**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 consideration and action.

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 failed to respond to the director's request for evidence in order to establish his eligibility for TPS. Therefore, the director denied the application due to abandonment.

Counsel, on behalf of the applicant, filed an appeal and that appeal is now before the AAO.

It is noted that this decision would not ordinarily be before the AAO. Since the application was denied due to abandonment, there was no appeal available. However, on May 6, 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.

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**ORDER:** The director's decision is withdrawn.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.