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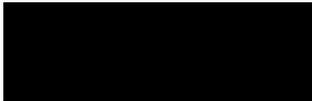


U.S. Citizenship
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FILE:



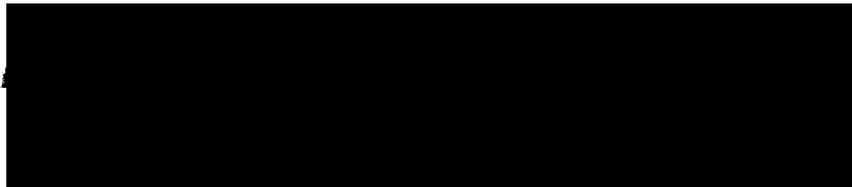
[EAC 02 284 52483]

OFFICE: VERMONT SERVICE CENTER

DATE: DEC 21 2005

IN RE:

Applicant:



APPLICATION:

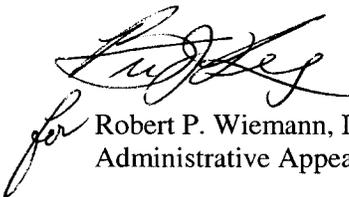
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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.


for 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 on appeal. The case will be remanded to the director for further 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 director denied the application because the applicant had failed to establish that she had continuously resided in the United States since February 13, 2001, and had been continuously physically present from March 9, 2001, to the date of filing the application.

On appeal, the applicant asserts that her case was processed in Texas, not in Vermont, and that Citizenship and Immigration Services (CIS) in Mesquite, Texas, had approved her case and had sent her an Employment Authorization Card.

The CIS database shows that the applicant was granted TPS and an Employment Authorization Card was issued on November 18, 2003, valid until March 9, 2005, under category 274a.12(A)(12). The record does not clearly show that the director reviewed the applicant's entire record before a decision was rendered on the application.

Therefore, the case will be remanded. The director shall review all CIS records pertaining to this applicant and all files relating to this individual's TPS application history shall be consolidated into the applicant's permanent record. The director shall issue a new decision that, if adverse to the applicant, shall be certified to the AAO for review. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS.

The Federal Bureau of Investigation fingerprint results report shows that the applicant was apprehended at Laredo, Texas, on April 8, 1993, and she was subsequently placed in removal proceedings (file number A70 004 473).

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 case is remanded for appropriate action consistent with the above discussion and entry of a new decision.