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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]

[LIN 03 016 50052]

Office: Nebraska Service Center

Date:

FEB 15 2005

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:

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.

Cindy M. Gomez for

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The director's decision will be withdrawn and the matter will be remanded for further action.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 failed to establish he was eligible for late registration. The director also found that the applicant had failed to establish his qualifying residence and physical presence in the United States during the requisite periods or his date of entry into the United States.

However, the current record of proceedings contains only the Form I-821, Application for Temporary Protected Status. The record does not reflect contents of the applicant's permanent record and its relevance to this application.

The evidence contained in this temporary file is not sufficient to support the director's decision. Therefore, the case will be remanded. The director shall review all CIS records pertaining to this applicant and all files relating to this individual shall be consolidated into the record of proceedings. It is noted that the applicant's father's status may render the applicant eligible for late initial registration; however, the record as currently constituted fails to support a finding that the applicant has established his date of entry or his continuous physical presence and residence during the requisite periods. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS.

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 matter is remanded for further action.