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**U.S. Citizenship  
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FILE: [REDACTED]  
[EAC 01 257 54889]

Office: VERMONT SERVICE CENTER

Date: **JAN 18 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.

*Robert P. Wiemann*

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 failed to respond to a request for evidence to establish his eligibility for TPS. Therefore, the director denied the application.

It is noted that an individual other than the applicant submitted the appeal, and that the appeal should have been rejected as improperly filed. As a Form G-28, Notice of Entry of Appearance as Attorney or Representative, is not included in the record, the applicant shall be considered as self-represented.

It also is noted that 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 February 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**ORDER:** The director's decision is withdrawn.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.