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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
[LIN 03 127 51199]

Office: NEBRASKA SERVICE CENTER

Date: **JAN 24 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, 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 The director's decision will be withdrawn and the matter will be remanded for further action.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 current application, filed on March 7, 2003, after determining that the applicant had failed to establish eligibility for filing after the initial registration period from January 5, 1999, to August 20, 1999. The record indicates that the applicant filed another application on May 16, 2001 and that this application was denied on November 16, 2001. The applicant also provided a copy of an Employment Authorization Card that was issued in 2001. The record does not reflect the director's acknowledgement or review of the applicant's prior application(s) before a decision was rendered on the current application.

The evidence contained in this file is not sufficient to support the director's decision of denial. 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. 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.