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U.S. Department of Homeland Security
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Washington, DC 20536



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted] Office: California Service Center

Date: **MAR 31 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 N. Honey

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California 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 indicated on his application that he entered the United States on July 17, 2000. The director denied the application for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254, after determining that the applicant had presented insufficient evidence of his continuous physical presence during the requisite period. The director also found that the applicant had not submitted sufficient evidence of his nationality and identity.

The record reveals that the applicant filed his application on July 26, 2002. On December 19, 2002, the applicant was requested to submit additional evidence establishing his qualifying continuous physical presence and continuous residence in the United States. The applicant also was requested to submit additional evidence of his nationality and identity. The applicant did not respond to the director's request; therefore, the director determined that the applicant had failed to establish his eligibility for TPS and denied the application on April 10, 2003.

The applicant appealed this decision and the director reopened the case. On May 29, 2003, the director requested the applicant to submit the original documents that served as the basis of the previously submitted photocopies. In response, the applicant simply provided additional photocopies of the previously submitted documentation.

The record of proceedings does not reflect that the director issued a new decision subsequent to the reopening of this case. Therefore, the case will be remanded and the director shall issue a new decision.

It is also noted that the photocopied documentation submitted by the applicant appears to have been altered.

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 to the director for further action consistent with the above.