



U.S. Citizenship  
and Immigration  
Services

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FILE:   
[LIN 01 253 50597]

Office: NEBRASKA SERVICE CENTER

NOV 03 2005  
Date:

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.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn by the Director, Nebraska Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal. The matter will be remanded for further consideration and 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 approved the applicant's initial application for Temporary Protected Status on October 24, 2001. The director subsequently withdrew the applicant's Temporary Protected Status on January 6, 2004, when it was determined that the applicant had failed to submit a required annual re-registration for the 2002-2003 period.

The current record of proceedings contains the applicant's initial Form I-821, Application for Temporary Protected Status, and two Forms I-765, Application for Employment Authorization, filed on August 8, 2001 [LIN 01 253 50575], and on August 28, 2003 [LIN 03 256 50575]. However, Citizenship and Immigration Services (CIS) records indicate that the applicant filed another Form I-765 under CIS receipt number LIN 03 022 50596. That application is not contained in the record of proceeding.

The evidence contained in this file is not sufficient to support the director's decision to withdraw the applicant's Temporary Protected Status. Therefore, the matter 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 record of proceedings. 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. § 11361.

**ORDER:** The director's decision is withdrawn. The matter is remanded for further action.