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**U.S. Citizenship
and Immigration
Services**

M1



FILE: [REDACTED]
[SRC 03 009 54323]

Office: TEXAS SERVICE CENTER Date: SEP 02 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 initial application was denied by the Director, Texas Service Center. The applicant filed a Notice of Appeal that is now before the Administrative Appeals Office (AAO). The case 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 record reveals that the applicant filed her initial TPS application on September 9, 2002. On February 2, 2003, the applicant was requested to submit evidence establishing her qualifying continuous residence in the United States as of February 13, 2001, and continuous physical presence in the United States since March 9, 2001. The applicant was also requested to submit photo identification and evidence of her nationality.

The record, as currently constituted, does not contain a response from the applicant; however, the applicant on appeal submits a printout from her on-line inquiry of Citizenship and Immigration Services (CIS) indicating that her response was received on March 18, 2003. The records of CIS confirm that a response was received.

The records of CIS also confirm that the director denied the application on April 7, 2003. The record as currently constituted, however, does not contain any copies of the director's decision, nor has the applicant furnished a copy of said decision, if any. Under 8 C.F.R. § 103.3, "the officer shall explain in writing the specific reasons for denial."

Therefore, the case will be remanded. The director shall review all records pertaining to this applicant and issue a new decision. The director may request any evidence deemed necessary to assist her with the determination of the applicant's eligibility for TPS.

It is noted that, although not contained in this record, the applicant consistently filed applications for Employment Authorization Documents (EAD) from 1996 through 2002, while awaiting a decision on her application for asylum. This application was filed on January 30, 1996, and appears to not have been adjudicated to date. Her EADs are indicative that she has maintained continuous physical presence and continuous residence during the requisite periods for El Salvadoran 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 case is remanded to the director for further action consistent with the above and entry of a decision.