



U.S. Citizenship  
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Services

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FILE: [REDACTED]  
[EAC 04 120 51592]

Office: VERMONT SERVICE CENTER

Date: JUL 25 2006

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.

*for*   
Robert P. Wiemann, Chief  
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 record reveals that the applicant filed her initial application on November 1, 2001. On July 27, 2002, the applicant was requested to submit evidence establishing her continuous residence in the United States as of February 13, 2001. The applicant responded to that request on August 14, 2002 and provided additional evidence to establish her continuous residence in this country.

On June 13, 2003, the director issued a notice of intent to deny to the applicant and again requested that the applicant submit evidence establishing her continuous residence in the United States as of February 13, 2001. On July 30, 2003, the director denied the application because the applicant did not respond to his June 13, 2003 request. Clearly, the director did not address the evidence that the applicant had forwarded for consideration in response to his February 13, 2001 request for documentation. As the outcome of the applicant's current appeal to the denial of her second application filed on March 16, 2004 clearly depends upon a full adjudication of her initial application, the matter must be remanded for further consideration. Therefore, the case is remanded for the issuance of a new decision concerning the applicant's initial application. The director shall consider all evidence submitted to date when making his determination. Should the initial application be again denied, the matter shall be forwarded to this office for a determination of the applicant's current appeal.

Although not addressed by the director, the applicant has provided insufficient evidence to establish that she is a national or citizen of El Salvador. The record does not contain any photo identification such as a passport or national identity document to establish his nationality. 8 C.F.R. § 244.2(a)(1). The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS.

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 entry of a new decision considering the applicant's initial application.