



U.S. Citizenship
and Immigration
Services

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FILE:

Office: VERMONT SERVICE CENTER

Date: JUN 02 2008

[EAC 007 176 51349, *appeal*]
[EAC 06 278 70350]

INRE:

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:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the Vermont Service Center. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center (VSC), 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 **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 application on May 1, 2007, after determining that the applicant had **failed** to establish that he had continuously resided in the United States since February 13, 2001, and had been continuously physically present since March 9, 2001. The director also determined that the applicant had **failed** to establish she was eligible for late initial registration.

On February 28, 2008, the VSC Director requested that the applicant be returned to his office. Therefore, it will be remanded and the director shall consider the applicant's response as a motion to reopen.

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.