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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date:
[EAC 02 157 50277]

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

for Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO). The matter before the AAO will be rejected.

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 director, in his decision dated May 7, 2003, denied the application because the applicant failed to establish his continuous residence and his continuous physical presence in the United States during the requisite periods. The Notice of Denial was mailed to the applicant, c/o [REDACTED] as the applicant requested on the Form I-821.

On October 11, 2003, the applicant submitted Form I-290B, Notice of Appeal. The applicant states on the Form I-290B, in pertinent part, that:

In a notice dated September 29, 2003, that was within a returned package of my re-registration for TPS and work permit, the BCIS stated that my initial I-821 application had been denied since 05/07/2003. I do not understand this decision and was surprised to receive this notice; as I have not received any other documentation from BCIS concerning my case. I have no idea why my I-821 has been denied or whether your office has sent any requests of documents to me in regards to my case. The last time that I received any letter pertaining to my case was in August 2002, thru the office [REDACTED] Immigration Consultants. The notice from BCIS requested evidence of my physical presence in this country since February 13, 2001. I sent my response to this request in November 2002; and this was the last correspondence I had with BCIS until I sent in my renewal this past August 2003.

I do not know whether you sent any information pertaining to my case to me. I have not changed my address; and have maintained the same residence since my initial TPS application. I am unsure as to what your office requires of me, as we have not received anything from BCIS except this notice stating my TPS has been denied. I do not know why my initial I-821 was denied.

The applicant states on Form I-290B, that he is filing an appeal from the decision dated September 29, 2003. The applicant is referring to Form I-797, Notice of Action, dated September 29, 2003. The applicant provided his Form I-797, which states:

Title 8, Code of Federal Registrar, Section 244.17(a) states in part 'aliens granted Temporary Protected Status must register annually with the INS (BCIS)....'. [Sic] It appears your initial I-821, Application for Temporary Protected Status [REDACTED] was denied by the ESC on 05/07/2003. Therefore, you are not required to register annually.

If you believe this notice was sent to you in error, please provide evidence of an approved application and return this notice with the evidence to the Vermont Service Center.

In this case the applicant attempted to appeal the decision contained in the above-mentioned Form I-797. There is no appeal of Form I-797, Notice of Action. Consequently, the appeal will be rejected.

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 appeal is rejected.