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U.S. Citizenship
and Immigration
Services

MI

FILE:

[REDACTED]

Office: NEBRASKA SERVICE CENTER

Date: **AUG 15 2005**

[LIN 03 031 50057]

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 application was denied by the Director, Nebraska 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 director denied the current application, filed on September 27, 2002, after determining that the applicant had failed to establish eligibility for filing after the initial registration period from March 9, 2001 through September 9, 2002. The director also determined that the applicant failed to establish that she had continuously resided in the United States since February 13, 2001, and had been continuously physically present in the United States since March 9, 2001. In addition, the director also found that the applicant failed to establish her nationality and identity.

The applicant, however, did not indicate that the TPS current application was the *initial* Application for Temporary Protected Status. Rather, the applicant indicated that the current application was an annual re-registration and provided the A-number relating to the initial application. The applicant also provided a copy of the Employment Authorization Card that was issued in 2001. The evidence establishes that the applicant filed her initial TPS application on March 26, 2001. The record does not reflect the director's acknowledgement or review of the applicant's prior applications before a decision was rendered on the current application.

The evidence contained in this file is not sufficient to support the director's decision of denial. Therefore, the case 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.¹ 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. § 1361.

ORDER: The director's decision is withdrawn.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

¹ It is noted that the current record contains information indicating that LIN 01 147 51578 AND LIN 02 284 50247 also pertain to the applicant; however there may also be additional records.