

Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**



M

FILE: [REDACTED]  
[EAC 02 048 55843]

Office: VERMONT SERVICE CENTER

Date: **AUG 29 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, Director  
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 a motion. 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 applicant failed to respond to the director's request for evidence in order to establish his eligibility for TPS. Therefore, the director denied the application due to abandonment on November 5, 2002.

The applicant filed a motion to reopen and that motion is now before the AAO. It is noted that the applicant filed his motion to reopen on October 16, 2003, almost one year after the director's decision to deny the application.

As the director's decision was based on abandonment, the AAO has no jurisdiction over this case, and the motion was sent to the AAO in error. However, on February 5, 2004, the director requested that the case be remanded to the VSC. Accordingly, without addressing the merits of the case, it will be remanded to the director for further processing in accordance with his request.

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 consideration and action.