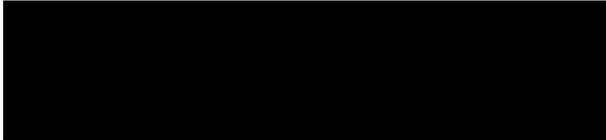


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prevent clearly unwarranted  
invasion of personal privacy**



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FILE: [REDACTED] Office: Vermont Service Center Date: **SEP 26 2005**  
[EAC 02 261 50936]

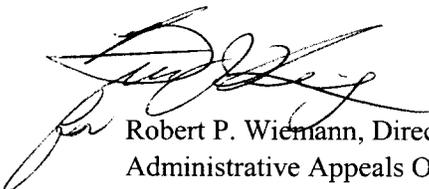
IN RE: Applicant: [REDACTED]

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 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 application because the applicant failed to establish he had continuously resided in the United States since February 13, 2001, and had been continuously physically present in the United States from March 9, 2001, to the date of filing his application. Therefore, the director denied the application.

The applicant filed an appeal and that appeal is now before the AAO.

On February 20, 2004, the director requested that the case be remanded to the VSC.

Accordingly, without addressing the merits of the case, the appeal will be remanded to the director for further processing in accordance with his request.

It is noted that the applicant submitted, on appeal, an affidavit dated September 14, 2003, from [REDACTED] who stated that the applicant began attending her church on January 9, 2001, the exact day the applicant claimed to have entered into the United States at Laredo, Texas. It seems highly unlikely that the applicant would have traveled from Laredo, Texas, met [REDACTED] and attended her church in Washington, D.C. on the same day that he entered into the United States. [REDACTED] statement raises questions of credibility regarding the applicant's continuous residence and continuous physical presence in the United States during the requisite time periods.

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.