

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**

M1

[REDACTED]

FILE: [REDACTED]  
[SPM 02 362 00145]

Office: ST. PAUL, MINNESOTA (SPM)  
BLOOMINGTON

Date: **DEC 13 2007**

IN RE: Applicant: [REDACTED]

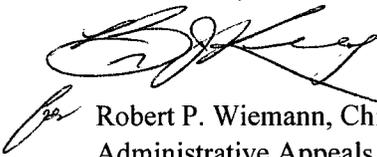
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:

[REDACTED]

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, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for Temporary Protected Status (TPS) was denied by the District Director, Bloomington, Minnesota, and is now before the Administrative Appeals Office on appeal. The case will be remanded.

The applicant is a native and citizen of El Salvador who is seeking TPS under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. §1254.

The director determined that the applicant was ineligible for TPS because she had been deported from the United States and re-entered this country less than five years later. However, that deportation has no bearing on the applicant's eligibility for TPS.

On appeal, the applicant claims that she does not understand why her TPS application was denied.

The record indicates that the applicant failed to establish continuous residence and continuous physical presence during the qualifying period. Specifically, the applicant has submitted evidence indicating she was in the United States prior to February 13, 2001, but has failed to establish her qualifying continuous residence since February 13, 2001 and continuous physical presence from March 9, 2001 to the filing date of the applicant's TPS application.

The director's denial of the application will be withdrawn; the case will be remanded and the director shall fully adjudicate the application. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS offered to Salvadorans.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. An alien applying for temporary protected status has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has failed to meet this burden.

**ORDER:** The case will be remanded and the director shall fully adjudicate the application.