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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. A3000  
Washington, DC 20529



**U.S. Citizenship  
and Immigration  
Services**

**PUBLIC COpy**



Office: TEXAS SERVICE CENTER Date: MAR 17 2008

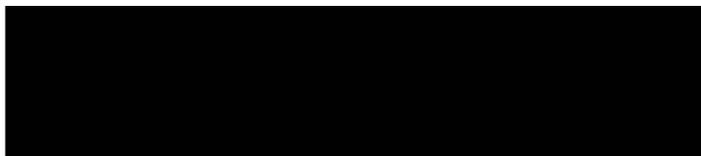
[AAO 04 177 50039]

INRE: Applicant:



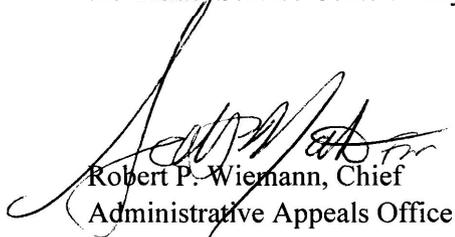
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the Texas Service Center. Any further inquiry must be made to that office.

  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial application was approved by the Director, Texas Service Center, on April 23, 2002. Subsequent to the approval, counsel for the applicant filed a Notice of Appeal that is now before the Administrative Appeals Office (AAO). The case will be remanded for further consideration and action.

The applicant is 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 record reveals that the applicant filed his initial TPS application on April 5, 2001, under Citizenship and Immigration Services (CIS) receipt number SRC 01 168 55987. On April 23, 2002, the director approved the initial TPS application.

The record, as currently constituted, does not contain any other TPS applications or decisions. However, according to the records of Citizenship and Immigration Services (CIS), a subsequent submission under receipt number EAC 03 198 52836, was denied due to abandonment.

On March 23, 2004, counsel for the applicant filed a Form G-28, Notice of Entry of Appearance as Attorney or Representative, and a Form I-290B, Notice of Appeal. Counsel states that after receiving the response from a Freedom of Information Act (FOIA) request, he would like an additional 60 days to "answer the allegations."

The record of proceeding, as currently constituted, does not reflect a written decision to deny was made in this case. Therefore, the case will be remanded. The director shall review all records pertaining to this applicant and issue a new decision. All files relating to this individual's TPS application shall also be included. The director may request any evidence deemed necessary to assist her 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 case is remanded to the director for further action consistent with the above and entry of a decision.