

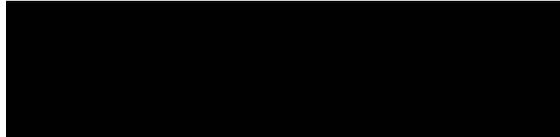


U.S. Citizenship
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FILE:



Office: VERMONT SERVICE CENTER

Date: JUL 06 2009

[EAC01 158 51860]

IN RE:

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 Vermont Service Center. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. 103.5(a)(1)(i).

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The case will be remanded.

The applicant claims 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 determined that the applicant failed to establish he had: 1) continuously resided in the United States since February 13, 2001; and 2) been continuously physically present in the United States since March 9, 2001. In addition, the director determined that the applicant had failed to establish his nationality. The director, therefore, withdrew the applicant's Temporary Protected Status.

On appeal, counsel for the applicant requests an additional 60 to 90 days in which to submit a brief in support of his appeal. Counsel also states that the applicant had never been apprehended or deported, and is not Mexican.

The record contains documentation under two different alien registration numbers which do not appear to pertain to this applicant. United States Citizenship and Immigration Services (USCIS) records indicate that all material containing the other alien registration numbers pertain to another individual, a Mexican citizen with a similar name, and not to [REDACTED], a native and citizen of El Salvador. A review of the applicant's passport photo and Employment Authorization Card as compared to photos in the file of the other alien provides further evidence that these are two separate and distinct individuals.

Therefore, the case will be remanded and a new decision issued.

ORDER: The case is remanded to the director.