

**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



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

PUBLIC COPY



M

FILE:



Office: VERMONT SERVICE CENTER

Date: **NOV 02 2004**

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: 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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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, however, the specific reason for the denial is not indicated. Pursuant to 8 C.F.R. § 103.3(a)(1), "the officer shall explain in writing the specific reasons for denial."

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

On February 9, 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.

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

It is noted that the Federal Bureau of Investigations (FBI) fingerprint report indicates that the applicant was apprehended by the U.S. Border Patrol at McAllen, Texas, on September 27, 1996, and placed under deportation {removal} proceedings. The outcome of these proceedings is not included in this record. It is also noted that the applicant failed to state this fact, under penalty of perjury, on his application for TPS.

ORDER: The director's decision is withdrawn. The case is remanded to the director for further consideration and action.