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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 1 Street, N.W.
Washington, DC 20529



U.S. Citizenship
and Immigration
Services



FILE: [Redacted]

Office: VERMONT SERVICE CENTER

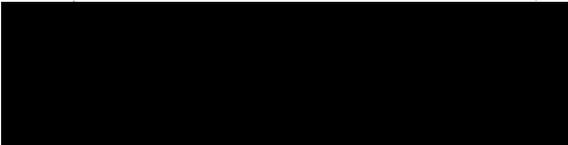
Date: 7/7/07

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 office that originally decided your case. Any further inquiry must be made to that office.

Robert P. 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 determined that the applicant had failed to respond to a request for evidence to establish his eligibility for TPS, specifically for failure to provide final court dispositions for charges of "Deadly Weapon-Conceal 27 36," under the name of [REDACTED] dated February 27, 2000, Rockville [Maryland] Police Department. Therefore, the director denied the application.

It is noted that the record also contains an earlier request for evidence relating to charges dated May 31, 1997, for charges "ADW," and May 19, 1998, INS Deportation Warrant, in addition to the February 27, 2000, charges identified above. That letter also requested evidence to establish the applicant's continuous residence and continuous physical presence in the United States during the requisite periods.

The response to this request provided dispositions for charges under the name [REDACTED] and included additional charges for an April 2000 arrest and conviction for Theft (Less than \$300 Value) and "Assault- Sec Degree."

It is further noted that the record includes an Order to Show Cause, under the name [REDACTED] file number [REDACTED] [consolidated into this permanent record] placing the applicant in deportation proceedings on April 17, 1995, following denial of a request for asylum in the United States.

The record also includes a Warrant for Deportation of the applicant indicating that he was deported from the United States on June 10, 1998. The applicant indicates on his application for TPS that he re-entered the United States without inspection in November 1998.

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

On February 23, 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.

ORDER: The director's decision is withdrawn.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