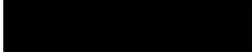




U.S. Citizenship  
and Immigration  
Services



FILE:

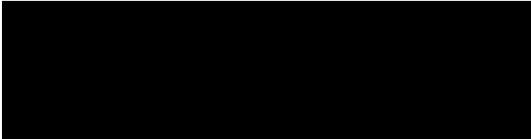


Office: VERMONT SERVICE CENTER

Date:

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.

*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 relating to her December 4, 2000, arrest by the Clarkstown New City Police Department [New York], and the charge of "PL 155.25 Petit Larceny." Therefore, the director denied the application.

The applicant filed an appeal and that appeal is now before the AAO. It is noted that the record includes a letter dated November 18, 2003, from an attorney, indicating that he is counsel of record for the applicant. However, this attorney has not submitted a Form G-28, Notice of Entry of Appearance as Attorney or Representative, as required to represent individuals before Citizenship and Immigration Services (CIS). Therefore, the applicant must be considered as self-represented.

On March 24, 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.

It is noted that the Certificate of Conviction, Justice Court, Town of Clarkstown, New City, New York, dated February 12, 2004, submitted on appeal, indicates conviction of a violation, "Disorderly Conduct" and indicates the Date of Violation was December 4, 2000. The Certificate of Conviction indicates that the Honorable [REDACTED] entered this conviction on December 22, 2003. The record also includes a letter from [REDACTED], Attorney at Law, an individual who identifies himself as counsel retained by the applicant in reference to the December 4, 2000, matter with the Clarkstown New City Police Department. [REDACTED] identified the agency case number as it appears on the Federal Bureau of Investigation (FBI) fingerprint results report, and indicated that the court date was set for November 25, 2003, before [REDACTED]. The relationship between the disposition document relating to charges of Disorderly Conduct on December 4, 2000, and the December 4, 2000, arrest and charges of Petit Larceny identified in the FBI fingerprint report record, have not been clearly explained.

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 consideration and action.