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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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M

[REDACTED]

FILE:

[REDACTED]

Office: VERMONT SERVICE CENTER

Date: JUN 08 2005

[SRC 01 260 56346]

IN RE:

Applicant:

[REDACTED]

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.

Cindy M. Gomez for
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The case will be remanded.

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.

When an officer denies an application, "the officer shall explain in writing the specific reasons for denial." 8 C.F.R. § 103.3

The director denied the application on January 13, 2004; however, the director's decision does not clearly indicate the specific basis for the denial. Therefore, the case will be remanded for the issuance of a new decision that sets forth the specific reasons for the denial.

In a Notice of Intent to Deny dated September 24, 2003, the director had requested that the applicant submit certified final court dispositions for all charges identified in the Federal Bureau of Investigation (FBI) fingerprint results report. The applicant was also requested to submit evidence of his: nationality; continuous residence in the United States since February 13, 2001; and, continuous physical presence in the United States since March 9, 2001. The director also requested that the applicant submit evidence to show that [REDACTED] in whose name some evidence is given, and [REDACTED] are one and the same person.

The applicant now submits a Form I-290B, Notice of Appeal, on which he indicates that he is not submitting a separate brief or evidence. The applicant has not submitted any statement or additional documentation with the appeal form, and has not indicated that any evidence would be submitted within 30 days of the date of the appeal. The applicant also has not identified any reasons for the appeal on the appeal form.

It is noted that the criminal charges for which the applicant did not supply final court dispositions, include the following:

1. Arrested on March 23, 1998, under the name of [REDACTED] DPS Criminal History Record, Phoenix, Arizona, Charge (1)- DUI-LIQ/DRG/COMBO M; Charge (2)- F2 SHOW LIC OR ID M; Charge (3) DUI-BA 10/100 OR MORE-M;
2. Arrested on September 15, 1999, under the name of [REDACTED] El Paso, Texas, Charge (1)- Driving While Intoxicated;
3. Arrested on January 4, 2002, under the name of [REDACTED] El Paso, Texas, Charge (1)- Terroristic Threat.

The Federal Bureau of Investigation (FBI) fingerprint results report also reflects that the applicant was apprehended by the United States Border Patrol, El Paso, Texas, and was placed in removal proceedings on July 21, 2000, under the file number [REDACTED]. The applicant subsequently received a final removal order from the Immigration Judge, El Paso, Texas, on August 2, 2000, while in custody, and was removed to El Salvador on August 30, 2000.

The record further reflects that the applicant re-entered the United States on January 2, 2001. The applicant submitted a copy of a Form I-220B, Order of Supervision, issued in El Paso, Texas, on July 24, 2001, stating that the applicant was ordered removed on June 25, 2001, and was required to report on October 1, 2001 to the Deportation Office, El Paso, Texas.

The case is remanded for the issuance of a new decision that sets forth the specific reasons for the denial.

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 entry of a new decision.