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

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FILE:

[EAC 01 157 53807]

Office: VERMONT SERVICE CENTER

Date: JUN 08 2005

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.

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 (AAO) 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.

Pursuant to 8 C.F.R. § 103.3(a)(1)(i), when an officer denies an application, the officer "shall explain in writing the specific reasons for denial."

The director denied the application on October 10, 2003. The director's decision does not 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 denial of the application.

It is noted that the record indicates that the applicant was arrested on November 23, 1996, by the Fairfax County Police, Fairfax, Virginia, and charged with Possession of Fake ID and Concealment of Merchandise. (Agency case # [REDACTED]) On February 19, 2003, the director requested the applicant to provide final dispositions for all of the charges against him. The request was mailed to the last address provided by the applicant, [REDACTED] Burke, Virginia. [REDACTED] responded to the request, stating that he was not the applicant. Citizenship and Immigration Service (CIS) records reflect that both the applicant and [REDACTED] lived at [REDACTED] Falls Church, Virginia, at the time of filing for TPS. Both changed their addresses at the time of filing for annual re-registration to the Burke, Virginia, address noted above.

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.