



U.S. Citizenship  
and Immigration  
Services

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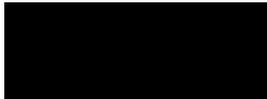
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MAR 03 2005

FILE:



Office: VERMONT SERVICE CENTER

Date:

IN RE:

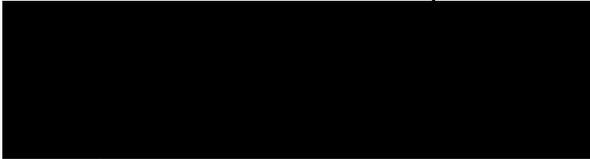
Applicant:



APPLICATION:

Application for Temporary Protected Status under Section 244 of the Immigration  
and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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 “overcome the grounds of denial.” The director’s decision, however, did not specifically state the reasons for denial. The director denied the application, and advised the applicant that an appeal could be filed within 30 days from the date of the decision.

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

On January 26, 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 record contains a Federal Bureau of Investigation (FBI) fingerprint results report. The report indicates that the applicant was apprehended by the United States Border Patrol, at McAllen, Texas, on June 7, 1998, and was placed in deportation proceedings. The fingerprint report indicates that the applicant’s name was stated as [REDACTED] his birth date was stated as September 30, 1981. The applicant indicates on his application for TPS that his surname is [REDACTED] his date of birth is October 3, 1979. The applicant indicated on his initial application for TPS that he had been under deportation proceedings in California in 1998, but indicated on subsequent applications that he had not been under immigration proceedings. This record of proceedings includes the following documentation pertaining to the deportation proceedings under the applicant’s other A-file record: A Notice to Appear issued at McAllen, Texas on June 7, 1998; a Notice of Custody Determination, McAllen, Texas, June 7, 1998, detaining the applicant in Immigration and Naturalization Service (INS) custody and setting bond in the amount of \$5,000; a Warrant for Arrest of Alien, dated June 7, 1998; an Order of Release on Recognizance dated June 15, 1998, instructing the applicant to report to the Deportation Officer, Los Angeles District Office; and, a Motion to Change Venue from Texas, to Los Angeles, California.

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.