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



U.S. Citizenship
and Immigration
Services

CONFIDENTIAL

MI

[Redacted]

FILE:

[Redacted]

Office: Vermont Service Center

Date: NOV 07 2005

[consolidated into [Redacted]
[EAC 01 196 54821]

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:

[Redacted]

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, 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 claims 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 record reveals that the applicant filed his application on May 14, 2001. On July 15, 2003, the applicant was requested to submit a sworn statement regarding the discrepancies in his claimed citizenship and name. In addition, the applicant was requested to submit photo identification. Also, the applicant was requested to submit the final court dispositions for all of his past arrests. The record does not contain a response from the applicant; therefore, the director denied the application on September 11, 2003.

The director denied the application because the applicant had failed to respond to a request for evidence, and therefore, the grounds for denial had not been overcome. However, while the director's decision states: "your application is denied", the specific reason for the decision is not indicated. Under 8 C.F.R. § 103.3, "the officer shall explain in writing the specific reasons for denial."

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

It is noted that the applicant was apprehended by the United States Border Patrol on August 29, 1998, and stated that he was a native and citizen of Mexico. The applicant was subsequently ordered deported to Mexico on January 4, 1999, by an immigration judge at Houston, Texas.

It is also noted that the record contains a copy of the applicant's birth certificate along with an English translation. The applicant's date of birth as reflected on the English translation is June 14, 1969, and his birth place was in Canton "Penon", El Salvador. However, the applicant claimed on his TPS application that he was born on June 14, 1976, in Morazan, El Salvador. Further, the record contains altered evidence regarding his continuous residence or continuous physical presence during the requisite time periods for El Salvadoran TPS.

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.