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FILE:



Office: VERMONT SERVICE CENTER

Date: **OCT 17 2005**

[EAC 01 231 61176]

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.

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.

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 August 5, 2003; 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.

It is noted that a Federal Bureau of Investigations (FBI) report indicates that:

1. On January 1, 1999, the applicant was arrested and charged with Simple Assault by the Providence Police Department.
2. On January 1, 1999, the applicant was arrested and charged with Simple Assault by the Providence Police Department.

It is also noted that the record of proceeding reflects that on June 26, 2001, an immigration judge ordered the applicant removed from the United States to El Salvador under alien registration number [REDACTED]

As always in these proceedings, the burden of proof remains solely on 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.