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**U.S. Citizenship  
and Immigration  
Services**

MI

FILE:



[EAC 02 276 51381]

OFFICE: VERMONT SERVICE CENTER

DATE: OCT 17 2005

IN RE:

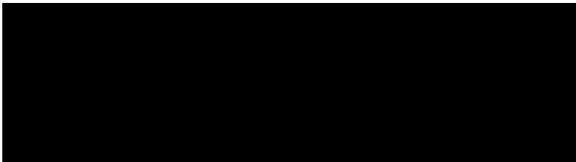
Applicant:



APPLICATION:

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

ON BEHALF OF APPLICANT:



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, reopened, and denied again by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The case will be remanded to the director for further action.

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.

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

The director denied the application because the applicant failed to “submit any evidence you thought would overcome the grounds of denial.” The director, however, failed to explain the specific reasons for the denial.

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

The Federal Bureau of Investigation fingerprint results report shows that the applicant, under the name of “Patron, Juan Diego,” was arrested on July 27, 1998, in Conroe, Texas, for tampering with government document. Counsel, on appeal, submits a letter from the District Clerk of Montgomery County, Texas, indicating that “no public record of indictment was located” for [REDACTED]

It is noted that the record of proceeding contains a Warrant of Removal/Deportation, Form I-205, issued on April 30, 1999, in Houston, Texas, based on the final order of removal by an immigration judge on April 15, 1999. A Verification of Departure, issued by the Embassy of the United States, San Salvador, El Salvador, dated June 11, 1999, shows that the applicant was in El Salvador on that date, and that the applicant departed from the United States on May 24, 1999.

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.