



U.S. Citizenship  
and Immigration  
Services

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FILE:



OFFICE: VERMONT SERVICE CENTER

DATE: **APR 11 2006**

[EAC 02 001 51451]

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 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 May 19, 2004; 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 the applicant was apprehended by the United States Border Patrol on October 19, 1991, after placed in removal proceedings. On June 1, 1993, an Immigration Judge in New York, New York, granted the applicant the privilege of voluntary departure on or before May 31, 1994, with an alternate order of deportation to El Salvador if the applicant failed to depart in compliance with the grant of voluntary departure. The applicant failed to depart the United States as ordered.

On December 17, 1996, the District Director, New York, issued a notice ordering the applicant to report to the New York District Office on January 15, 1997, for removal to El Salvador. The applicant failed to appear to be deported as ordered. The record contains an outstanding Form I-205, Warrant of Deportation.

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.