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

MI



FILE: [REDACTED]
[EAC 02 013 51254]

OFFICE: VERMONT SERVICE CENTER

DATE: **JAN 26 2006**

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: SELF-REPRESENTED

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 August 8, 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 the applicant was apprehended by the United States Border Patrol on September 19, 1996, near Sarita, Texas, after having entered the United States without inspection near Brownsville, Texas. The applicant was placed in removal proceedings. On February 6, 1997, an Immigration Judge in Arlington, Virginia, ordered the applicant removed to El Salvador in absentia. The record contains a Warrant of Deportation issued by the District Director, Arlington, Virginia, on March 5, 1997.

It is further noted that the applicant filed a Form I-589, Application for Asylum and for Withholding of Removal, on November 16, 1996. She subsequently withdrew her request for asylum, and the application was administratively terminated on September 17, 2001. The applicant filed a Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal (pursuant to section 203 of Public Law 105-100 (NACARA), on January 3, 2000. Her application was approved on August 22, 2002.

Finally, it is noted that the Notice of Intent to Deny dated June 16, 2003, requested that the applicant submit "the marriage certificate for Reina Canales." The requested marriage certificate is contained in the record of proceeding. It was submitted by the applicant in support of her Form I-589 on November 16, 1996. The marriage certificate indicates that the applicant and Francisco Samuel Canales, also a citizen of El Salvador, were married in Arlington County, Virginia, on June 21, 1990.

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.