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

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FILE:

Office: VERMONT SERVICE CENTER

Date: **NOV 02 2006**

[EAC 03 004 51818]

IN RE:

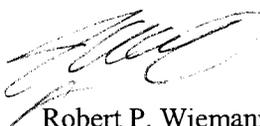
Applicant:

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, Chief
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.

The record reveals that the applicant filed his application on September 4, 2002. On July 28, 2003, the applicant, through counsel, was requested to submit evidence to establish that he is a citizen or national of El Salvador. The director determined that the record did not contain a response from the applicant; therefore, the director denied the application on October 7, 2003.

On November 3, 2003, the applicant, through counsel, filed an appeal. On appeal, the applicant submits copies of his El Salvadoran passport and birth certificate along with an English translation which establishes that the applicant is a citizen of El Salvador.

However, a review of the record of proceedings reveals that the Federal Bureau of Investigation (FBI) transmittal reflects the following:

- (1) On May 26, 1996, the applicant was arrested by the West New York Police Department and charged with "Robbery; and,
- (2) On September 22, 1998, the applicant was arrested by the Union City Police Department and charged with "Contempt".

The record does not contain the final court dispositions for these arrests as detailed above; therefore, the case is remanded so that the director may request the necessary documentation and issue a new decision based on the findings.

It is also noted that the applicant was ordered deported by an immigration judge on March 24, 1992, in Boston, Massachusetts, under the alias of [REDACTED]

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.