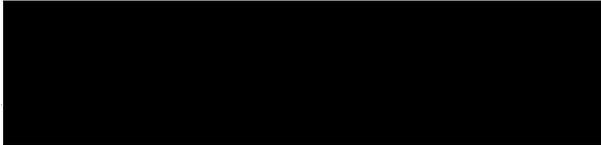




U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

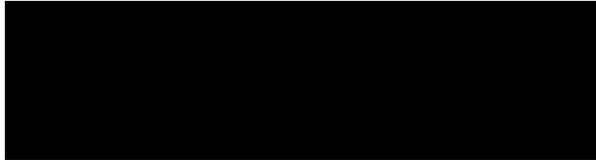


M1

FILE: [REDACTED] Office: VERMONT SERVICE CENTER
[REDACTED] consolidated herein]
[EAC 01 168 50382]

Date: SEP 07 2006

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: 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.

Cindy M. Gomez for
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 initial TPS application on April 3, 2001. On July 3, 2003, the applicant was requested to submit evidence establishing his qualifying continuous residence in the United States since February 13, 2001, and his continuous physical presence in the United States since March 9, 2001. The applicant was also asked to provide certified final court disposition(s) and evidence such as pertinent statutes or sentencing guidelines indicating whether any conviction was a misdemeanor or felony, for charge(s) appearing on his Federal Bureau of Investigation (FBI) fingerprint results report. The FBI fingerprint results report indicates that the applicant was arrested by the Rockville, Maryland, police on January 16, 2002, and was charged with "Theft: Less \$500 Value."

The director denied the application on November 7, 2003. The decision, however, does not indicate the specific reason for the denial. Under 8 C.F.R. § 103.3, "the officer shall explain in writing the specific reasons for denial."

Therefore, the case is 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 on November 10, 1997, while attempting entry into the United States at or near Brownsville, Texas. His removal proceedings were terminated by the Immigration Judge, at Harlingen, Texas, on October 26, 1998.

This decision was appealed by the Service. However, on June 29, 1999, the Board of Immigration Appeals administratively closed the proceedings based upon the applicant's Honduran nationality and possible eligibility for TPS. This decision, however, is incorrect, as the applicant is El Salvadoran, and proceedings may be reinstated.

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.