

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

M1



FILE: [REDACTED]
[WAC 02 257 53966]

Office: VERMONT SERVICE CENTER

Date: DEC 22 2008

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the Vermont Service Center. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "John F. Grissom".

John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center. The application is now before the Administrative Appeals Office 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 a TPS application during the initial registration period on August 12, 2002, under receipt number WAC 02 257 53966. The Director, Texas Service Center, approved that application on September 12, 2004.

The director may withdraw the status of an alien granted Temporary Protected Status under section 244 of the Act at any time if it is determined that the alien was not in fact eligible at the time such status was granted, or at any time thereafter becomes ineligible for such status. 8.C.F.R. § 244.14(a)(1).

The director determined that the applicant had been convicted of two misdemeanors in the United States. The director, therefore, withdrew the applicant's TPS.

On appeal, counsel for the applicant states that the director failed to provide notice of the reasons for withdrawing TPS.

United States Citizenship and Immigration Services (USCIS) records indicate that the applicant submitted a Form I-821, Application for Temporary Protected Status, on September 13, 2007 on which he listed his mailing address as [REDACTED] Mendota, California. However, the director sent the notice of intent to withdraw on August 9, 2006 and the notice of decision withdrawing TPS on May 6, 2008 to [REDACTED] Mendota, California. The notice of withdrawal was sent to the applicant's old address; therefore the case will be remanded so that the director may provide the applicant with the reason for the withdrawal of his TPS.

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 further action consistent with the above and entry of a decision.