



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED]
[EAC 01 179 51115]

VERMONT SERVICE CENTER

DATE: SEP 02 2008

IN RE: Applicant: [REDACTED]

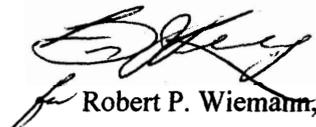
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:

[REDACTED]

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.


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The case will be remanded to the director for further action.

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 April 13, 2001, under Citizenship and Immigration Services (CIS) receipt number EAC 01 179 51115. The Director, Vermont Service Center, approved that application on May 21, 2002.

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 record reveals the following offenses:

- (1) On February 11, 2006, the applicant was arrested by the Broward County, Florida Sheriff's Department for "DUI Alcohol or Drugs 1st Offense" and "Moving Traffic Viol – Reckless Driving."

The director withdrew temporary protected status because the applicant failed to submit requested court documentation relating to his criminal record.

On appeal, counsel for the applicant submits a certified copy of Certificate of Records Search which indicates that the proceeding is an active case. According to counsel, the case has not gone to trial and the applicant has an upcoming court hearing.

The record of proceeding, in this case, does not contain the court's charging documents and final dispositions for the applicant's arrests to establish that he was in fact convicted of the crimes listed.

The case will, therefore, be remanded so that the director may accord the applicant an opportunity to submit the court's final dispositions of all his arrests. The director shall enter a new decision.

ORDER: The director's decision is withdrawn. The case is remanded for appropriate action consistent with the above discussion and entry of a new decision.