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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]

Office: VERMONT SERVICE CENTER

Date: **JAN 19 2005**

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.

Robert P. Wiemann

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center (VSC), and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded to the director.

The applicant, claiming to be a native and citizen of El Salvador, is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The record shows that the applicant was requested on October 22, 2002, to submit the final court disposition of each and every charge against him, including the final disposition of his arrest on March 8, 1992, in Bel Air, Maryland, for possession with intent to distribute a controlled dangerous substance (opium). Because the applicant failed to comply, the director denied the application on June 6, 2003.

The applicant filed an appeal and that appeal is now before the AAO.

On March 11, 2004, the director requested that the case be remanded to the VSC. Accordingly, without further addressing the merits of the case, the appeal will be remanded to the director for further processing in accordance with his request.

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 consideration and action.