



U.S. Citizenship  
and Immigration  
Services

Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

**PUBLIC COPY**



M

FILE: [REDACTED]  
[EAC 02 143 51932]

Office: VERMONT SERVICE CENTER Date: SEP 29 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: 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.

*Robert P. Wiemann*  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Vermont Service Center, and 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.

When an officer denies an application, "the officer shall explain in writing the specific reasons for denial." 8 C.F.R. § 103.3.

The director denied the application on September 23, 2003; however, the director's decision does not clearly indicate the specific basis for the decision. 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 record contains a Federal Bureau of Investigations fingerprint results report that reflects the following:

1. On September 23, 1988, the Metro-Dade Police Department arrested the applicant for "COMMERCIAL SEX-PROST, SOLICITATION." (Agency Case [REDACTED])
2. On June 24, 1990, the Miami Police Department arrested the applicant for "AGGRIV BATTERY," "LEVEL-FELONY." (Agency Case [REDACTED])

The record also contains copies of two letters from the applicant containing his explanation of the arrests.

As an attachment to his letter of explanation, the applicant submits a copy of a record of an examination of the records of the Circuit and County Courts of the Eleventh Judicial Circuit of Florida in and for Miami-Dade County dated May 6, 2003. The report concerns the criminal record of a [REDACTED] and carries a penciled notation that is partially cut off on the copy that indicates "This is not [REDACTED] and asterisks with another penciled notation that "This cases are no belong to ME!."

The record also contains an uncertified document from the Clerk of Courts of the 11<sup>th</sup> Judicial Circuit of Florida, Miami-Dade County indicating that on August 21, 1989, a case was filed in that jurisdiction charging the applicant with disorderly intoxication in violation of a municipal ordinance. The document reflects the case was closed on that same day and that the disposition was "credit time served."

It is noted that certified final court dispositions have been ordered by Citizenship and Immigration Services.

It is also noted that on November 29, 1982, under record [REDACTED] the applicant was granted the opportunity to voluntarily leave the United States by March 1, 1983 by an immigration judge in Washington, D.C. The judge's order further stated that if he failed to depart, the privilege of voluntary departure was withdrawn and the applicant was ordered deported from the United States to El Salvador. The applicant did not depart and a Warrant of Deportation dated April 12, 1983 was issued at Washington, D.C.

  
Page 3

An alien applying for TPS has the burden of proving that he or she meets the requirements and is otherwise eligible under the provisions of section 244 of the Act.

**ORDER:** The case is remanded to the director for the entry of a new decision.