



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date:
[REDACTED] [consolidated herein]
[EAC 01 160 53921]

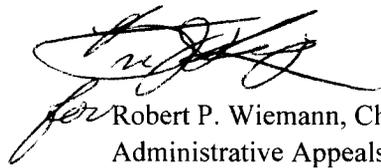
IN RE: Applicant: [REDACTED]

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.


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DISCUSSION: The applicant's temporary protected status was withdrawn by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal.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.

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.

On January 6, 2004, the director notified the applicant of the intent to withdraw his temporary protected status because the record reflected that on April 7, 1999, he had been found to be inadmissible.

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 failed without good cause to register with the Attorney General annually within thirty (30) days before the end of each 12-month period after the granting of TPS. 8 C.F.R. § 244.14.

On April 7, 1999, the applicant was found to have been inadmissible under sections 212(a)(6)(c)(i), Fraud/Misrepresentation and 212(a)(7)(a)(i)(I), Immigrant Without Documents of the Act. The applicant was also ordered removed from the United States and instructed that he was prohibited from entering, attempting to enter, or being in the United States for a period of five years from the date of his departure from the United States. The record shows the applicant was removed on April 8, 1999 from Houston, Texas.

On January 6, 2004, the director informed the applicant that he had been found to be inadmissible under section 212(a)(6)(c)(i) of the Act. The applicant was also told that his application would be denied unless he filed a Form I-601, Waiver of Ground of Excludability, and showed that he was eligible for a waiver. The applicant failed to submit the requested document.

The director withdrew the applicant's temporary protected status on February 26, 2002; however, the director's decision does not clearly indicate the specific basis for the withdrawal. Therefore, the case will be remanded for the issuance of a new decision that sets forth the specific reasons for the withdrawal.

The applicant, on appeal, states that he has provided all of the requested documents. The applicant has not submitted the Form I-601 or any documentation to show he is eligible for a Waiver of Ground of Excludability.

Beyond the director's decision it is noted that the applicant indicates on his TPS application that he entered the United States on August 13, 1999, approximately four months after he was deported. Consequently, the applicant, therefore, also appears to be inadmissible to the United States, pursuant to section 212(a)(9) of the Act, as an alien who had been previously removed and had reentered the United States without the consent of the Secretary of the Department of Homeland Security.

As always in these proceedings, the burden of proof remains solely on 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.