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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
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MAR 03 2010

FILE:



Office: VERMONT SERVICE CENTER

Date:

[EAC 01 194 51541]
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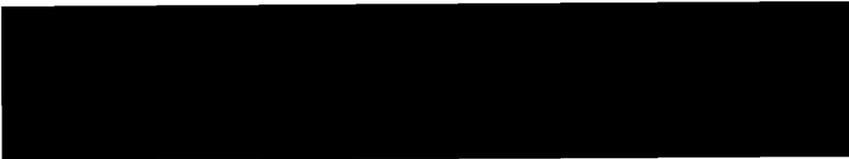
IN RE:

Applicant:



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

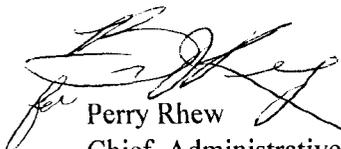
ON BEHALF OF APPLICANT:



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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider, as required by 8 C.F.R. 103.5(a)(1)(i).


Perry Rhew
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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded.

The applicant is a 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 27, 2001, under receipt number SRC 01 197 56252. The Director, Texas Service Center, approved that application on December 21, 2001.

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).

On January 11, 2007, the Director, Vermont Service Center, withdrew the applicant's TPS (EAC 01 194 51541; [REDACTED]) because the record reflected the applicant had been convicted of assault and battery on September 21, 2006; and for assault and battery on October 5, 2006, both misdemeanors.

However, the record does not contain copies of the final court dispositions for the arrests listed above; nor does it contain the April 27, 2001 TPS application. In addition, the record does not contain a copy of a Notice of Intent to Withdraw. Since the initial application and court documents are not contained in the record, this decision can not be fully adjudicated.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

The case is remanded for the purpose of including all of the pertinent and relative evidence and documentation to fully adjudicate this decision. Should the decision be adverse, the applicant shall be permitted to file an appeal, without fee.

ORDER: The case is remanded for appropriate action and decision consistent with the foregoing.