



U.S. Citizenship
and Immigration
Services

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FILE:



Office: VERMONT SERVICE CENTER

Date:

DEC 08 2004

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:

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, 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 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.

Pursuant to 8 C.F.R. 103.3 (a), when a Service officer denies an application or petition, the officer shall explain in writing the specific reasons for denial.

The director's decision states: "You were granted an opportunity in which to submit any evidence you thought would overcome the grounds of denial. The record does not include a response to this Service's notice." The director, however, failed to explain the specific reason for the decision, nor did he indicate on the decision the evidence the applicant was requested to submit.

It is noted that the record of proceeding contains the applicant's response to the director's request of April 25, 2003, for additional evidence. The response was received at the Vermont Service Center on June 5, 2003, prior to the director's decision to deny on August 8, 2003.

The case is remanded for the issuance of a new decision that sets forth the specific reasons for the denial.

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 entry of a new decision.