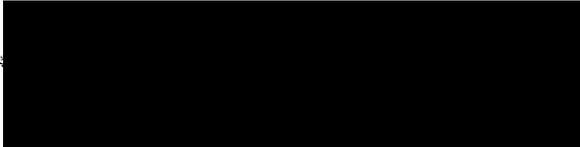


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**U.S. Citizenship
and Immigration
Services**

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



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FILE:



OFFICE: VERMONT SERVICE CENTER

Date: **AUG 16 2005**

[EAC 03 256 53754]

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.

The applicant is stated to be 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.

The record reveals that the applicant filed his application on September 11, 2003. On October 15, 2003, the applicant was requested to submit evidence establishing his qualifying continuous residence in the United States as of February 13, 2001, and his continuous physical presence in the United States since March 9, 2001. The applicant was also requested to submit evidence to establish his eligibility for late registration. The applicant was further requested to provide "two (2) color photos taken within 30 days of the date of this notice." The record does not contain a response from the applicant; therefore, the director denied the application on January 26, 2004. It is noted that the record contains no documentary evidence to establish the applicant's identity.

While the director's decision states: "your application is denied", the specific reason for the denial is not indicated. Under 8 C.F.R. § 103.3, "the officer shall explain in writing the specific reasons for denial."

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.