



U.S. Citizenship  
and Immigration  
Services

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[REDACTED]

FILE: [REDACTED]  
[EAC 02 244 50790]

Office: Vermont Service Center

Date: **AUG 16 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 for*  
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 (AAO) 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.

The record reveals that the applicant filed her application on July 15, 2002. On April 17, 2003, the applicant was requested to submit evidence establishing her qualifying continuous residence and continuous physical presence in the United States. The applicant responded to the director's request on May 12, 2003.

The director denied the application on August 8, 2003, and noted that the record did not include a response from the applicant to the request for evidence. However, a review of the record of proceedings reflects that the applicant had responded to the director's request on May 12, 2003, before the director's decision to deny her application on August 8, 2003. As such, it appears the director erred in his conclusion and did not consider the applicant's response in the decision. It is also noted that the director did not specifically state the reason for denial in his decision.

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

Therefore, the case will be remanded and the director shall issue a decision citing the specific reasons for denial, if after consideration of the applicant's timely response, the director still finds the application deniable.

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.