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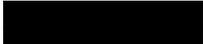


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AUG 29 2005

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FILE:



Office: Vermont Service Center

Date:

[EAC 02 257 54212]

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 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 (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 his application on August 3, 2002. On August 13, 2003, the applicant, through counsel, was requested to submit evidence establishing his qualifying continuous residence and continuous physical presence in the United States. The record does not contain a response from the applicant; therefore, the director denied the application on October 16, 2003. It is noted that all correspondence was mailed to the applicant's correct address of record or to counsel.

Under 8 C.F.R. § 103.3, "the officer shall explain in writing the specific reasons for denial." The director denied the application because the applicant had failed to respond to a request for evidence, and therefore, the grounds for denial had not been overcome. However, while the director's decision states: "your application is denied", the specific reason for the decision is not indicated.

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.