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U.S. Citizenship
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FILE: [REDACTED]
[EAC 04 021 52650]

OFFICE: VERMONT SERVICE CENTER

DATE: 050 21 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:



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 to the director 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 an officer denies an application or petition, the officer shall explain in writing the specific reasons for denial.

The director denied the application on July 26, 2004, because the applicant failed to “submit any evidence you thought would overcome the grounds of denial.” The director, however, failed to explain the specific reasons for the denial.

It is noted that the applicant responded to the director’s April 6, 2004, notice of intent to deny. The response was received at the Vermont Service Center on July 26, 2004, the same date as the director’s decision to deny.

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.