

PUBLIC COPY

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



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

MI

FILE: [REDACTED]
[EAC 01 178 52099]

Office: VERMONT SERVICE CENTER

Date: JUL 25 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:
[REDACTED]

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
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 claims 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.

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

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

It is noted that the applicant was arrested on May 25, 2001, in Fairfax, Virginia, and that he did submit the court disposition of this arrest in response to 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 further action consistent with the above and entry of a new decision.