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FILE:



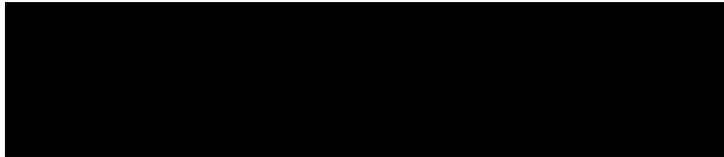
Office: Vermont Service Center

Date: JUN 15 2005

[EAC 01 208 51198]

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.

*Cindy N. Gomez*

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 June 14, 2001. On May 27, 2003, because the Federal Bureau of Investigation fingerprint report indicated that the applicant had been arrested in 2001 and 2002 in Boston, Massachusetts, the applicant was requested to submit the final court dispositions for all of his past arrests. The record does not contain a response from the applicant; therefore, the director denied the application on September 19, 2003. It is noted that the director's May 27, 2003 notice was addressed to the applicant at [REDACTED] East Boston, Massachusetts; however, the notice was returned as undeliverable. While the record indicates that the applicant resided at at least four different addresses while his application was pending, it is noted that the listing at Bennington Street does not appear to be one of those addresses.

The director denied the application because the applicant had failed to respond to a request for evidence. However, 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."

Therefore, 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.