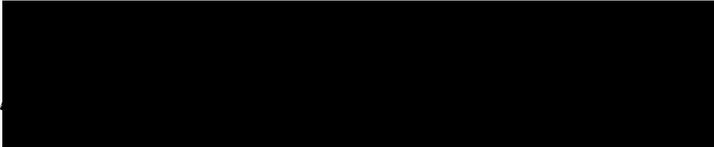




U.S. Citizenship
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FILE: [REDACTED] OFFICE: VERMONT SERVICE CENTER DATE: NOV 02 2005
[EAC 02 273 53813]

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, 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.

When an officer denies an application, "the officer shall explain in writing the specific reasons for denial." 8 C.F.R. § 103.3.

The director denied the application on September 4, 2003; however, the director's decision does not clearly indicate the specific basis for the denial. Therefore, the case will be remanded for the issuance of a new decision that sets forth the specific reasons for the denial.

It is noted that the applicant indicated on the Form I-821, Application for Temporary Protected Status, that he first entered the United States in June 2000. The record reflects that the applicant applied for admission at Atlanta, Georgia, on March 27, 2001, as a nonimmigrant visitor. Upon further examination, the applicant admitted in a sworn statement before Immigration Inspectors that he had worked in the United States after he was admitted as a nonimmigrant B-2 visitor on July 19, 2000. The applicant withdrew his application for admission and returned voluntarily to El Salvador on March 28, 2001. (A79 059 967)

It is further noted that the director incorrectly stated in the Notice of Denial that the applicant failed to respond to the Notice of Intent to Deny dated July 17, 2003. The applicant responded to the notice; his response was received at the Vermont Service Center on August 23, 2003. In response to the notice, the applicant submitted additional evidence in an attempt to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite periods.

As always in these proceedings, the burden of proof remains solely on 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.