

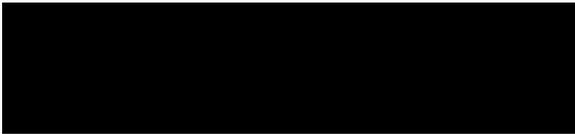
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U.S. Citizenship
and Immigration
Services

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FILE:



[EAC 03 247 51670]

Office: VERMONT SERVICE CENTER

Date: NOV 03 2005

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.

Cindy N. Gomez for

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 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.

The record reveals that the applicant filed her initial TPS application on August 30, 2003. On September 17, 2003, the applicant was requested to submit evidence establishing her qualifying continuous physical presence in the United States since March 9, 2001. The director also requested the applicant to submit evidence to establish her eligibility for late registration. The record does not contain a response from the applicant; therefore, the director denied the application on January 20, 2004.

While the director's decision states: "the grounds for denial have not been overcome," the specific reasons for the denial are not indicated. Under 8 C.F.R. § 103.3, "the officer shall explain in writing the specific reasons for denial."

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's spouse, [REDACTED] and daughter, [REDACTED] also filed applications for TPS that were denied by the director.

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.