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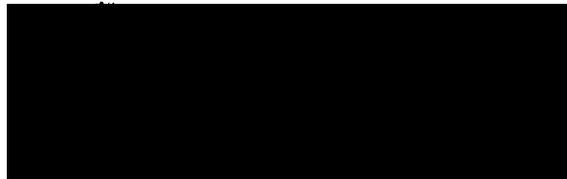
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FILE: 
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Office: VERMONT SERVICE CENTER

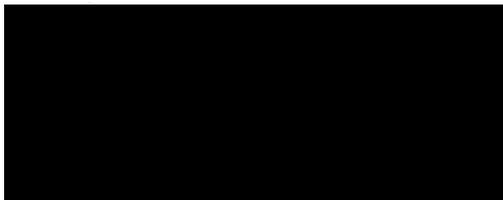
Date: **NOV 04 2005**

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.

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 January 5, 2003. The director stated that the applicant was granted an opportunity on May 22, 2003, "to submit any evidence you thought would overcome the grounds of denial." However, the record does not contain a copy of the Notice of Intent to Deny referenced by the director in the Notice of Denial. The director denied the application on March 18, 2004, because the applicant failed to submit evidence to overcome the "grounds of denial" of the application.

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."

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 record of proceeding, as it is presently constituted, does not contain sufficient evidence to establish the applicant's eligibility for late initial registration. The record also does not contain sufficient evidence to establish the applicant's qualifying continuous residence and continuous physical presence in the United States during the requisite periods.

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.