



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED]
[EAC 03 242 53676]

Office: VERMONT SERVICE CENTER

Date: NOV 23 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.

Cindy M. 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 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 January 27, 2004; 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's most current counsel has asserted that the first TPS application was denied because the applicant failed to appear for her required fingerprinting appointment, and that previous counsel, since disbarred, failed to submit a motion to reopen regarding this issue, thus necessitating the filing of an application outside of the initial registration period. Sufficient evidence of continuous physical presence and continuous residence has not been submitted.

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.