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FILE:



[EAC 03 007 53363]

Office: Vermont Service Center

Date: **OCT 05 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:

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

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 September 10, 2002. On November 13, 2002, and again on January 27, 2003, the applicant was requested to submit evidence of his qualifying continuous physical presence and continuous residence in the United States. The applicant failed to respond to the director's requests, and the director denied the application on June 17, 2003, for abandonment. The applicant did not file a motion during the appropriate response time. Inexplicably, on November 6, 2003, the applicant was again requested to submit evidence establishing his qualifying continuous physical presence in the United States. The applicant was also requested to explain the discrepancy found in his birth date. The director denied the application on January 20, 2004.

It is noted that in this denial notice, while the director stated that no response was received from the applicant, the record does contain a response dated January 12, 2004. It is also noted that the applicant filed his application on September 10, 2002, after the initial registration period for Salvadorans had closed.

Under 8 C.F.R. § 103.3, "the officer shall explain in writing the specific reasons for denial." While the director's decision states: "your application is denied", the specific reason for the denial is not indicated.

The case is remanded for the issuance of a new decision that sets forth all of 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.