

PUBLIC COPY

**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



**U.S. Citizenship
and Immigration
Services**

MI

FILE: [REDACTED]
[EAC 01 226 58924]

Office: Vermont Service Center

Date: **OCT 27 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: 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 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 his application on July 9, 2001. On May 7, 2003, the applicant was requested to submit the final court dispositions for all his past arrests. The applicant was also requested to submit evidence that he is a citizen or national of El Salvador. The record does not contain a response from the applicant; therefore, the director denied the application on July 28, 2003.

The director denied the application because the applicant had failed to respond to a request for evidence, and therefore, the grounds for denial had not been overcome. However, 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."

Although not addressed by the director in his decision, it is noted that the applicant has provided insufficient evidence to establish his qualifying continuous physical presence and continuous residence during the requisite time periods. It is also noted that the applicant has submitted no birth certificate, and/or other evidence of nationality and identity is insufficient. The director must also address these grounds in any future decisions or proceedings as well.

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