

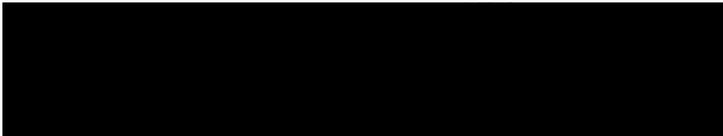
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FILE: [REDACTED]  
[EAC 02 196 53014]

Office: VERMONT SERVICE CENTER

Date: SEP 21 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 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 director denied the application on April 26, 2004; however, the director's decision does not clearly indicate the specific basis for the denial.

When an officer denies an application, "the officer shall explain in writing the specific reasons for denial." 8 C.F.R. § 103.3.

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 mother states on appeal that the applicant was sent back to El Salvador and that she is requesting a visa for her to return to the United States. Consequently, it appears that the applicant cannot establish continuous residence and continuous physical presence during the qualifying period, and this information should be included in the new decision. It is also noted that previous requests for information or notices of intent to deny were sent to the applicant on June 17, 2002, October 28, 2002, July 9, 2003 and February 19, 2004, but were returned as undeliverable for failure to provide timely changes of addresses.<sup>1</sup>

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.

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<sup>1</sup> Previous denial decisions also were issued on February 11, 2003, and September 10, 2003.