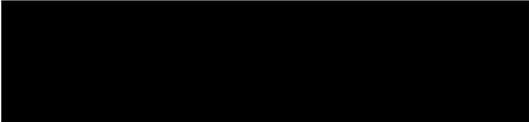


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Services

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FILE: [REDACTED]
[EAC 01 180 52752]

Office: VERMONT SERVICE CENTER

Date: SEP 26 2005

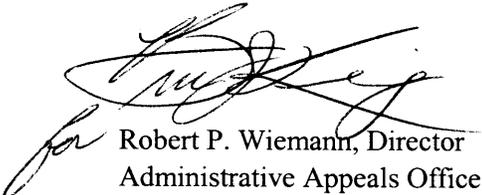
IN RE: Applicant: [REDACTED]

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.


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.

The record reveals that the applicant filed his application on April 16, 2001. On May 21, 2003, the applicant was requested to submit evidence establishing his continuous residence in the United States as of February 13, 2001, and his continuous physical presence in the United States from March 9, 2001, to the date of filing his application. In addition, the applicant was requested to submit the final court dispositions for all of his past arrests. The director noted in his May 21, 2003 request that the Federal Bureau of Investigation (FBI) transmittal revealed that the applicant was arrested by the Yonkers Police Department on March 18, 1998, for DWI. However, the record does not contain a response from the applicant; therefore, the director denied the application on July 28, 2003. It is noted that the director's May 21, 2003 request was sent to the applicant's last known address at [REDACTED] Yonkers, New York, which is the same address where the applicant had received his employment authorization and the director's July 28, 2003 notice of denial.

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.

Although a Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted, the individual named, [REDACTED] is not authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

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.