

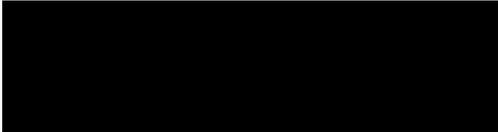
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FILE: [REDACTED]  
[EAC 03 260 54633]

Office: Vermont Service Center

Date: SEP 26 2005

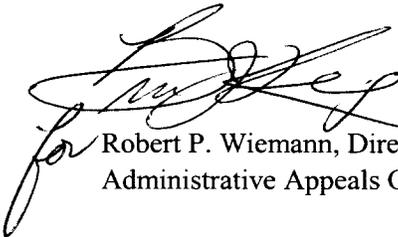
IN RE: Applicant: [REDACTED]

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 an initial application [EAC 01 162 53785] for TPS during the initial registration period. That application was denied on May 24, 2002, due to abandonment because the applicant failed to respond to the director's request for evidence. Since the application was denied due to abandonment there was no appeal available; however, the applicant could have filed a request for a motion to reopen within 30 days from the date of the denial. The applicant did not file a motion to reopen during the requisite timeframe.

The applicant filed a second Form I-821, Application for Temporary Protected Status, [EAC 03 260 54633], on September 17, 2003, which is now on appeal before the AAO. On November 5, 2003, the applicant was requested to submit evidence establishing her eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2). The applicant was also requested to submit evidence establishing her continuous residence in the United States as of February 13, 2001, and her continuous physical presence in the United States from March 9, 2001, to the date of filing her application. In response, the applicant submitted some evidence relating to her continuous physical presence and continuous residence in the United States. The director, however, determined that the grounds of denial had not been overcome and denied the application on March 17, 2004.

Under 8 C.F.R. § 103.3, "the officer shall explain in writing the specific reasons for denial." The director stated in her denial that the applicant had responded to a request for evidence, and that 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.

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.