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U.S. Citizenship
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[REDACTED]

FILE: [REDACTED] e: Vermont Service Center

Date: FEB 06 2006

[EAC 03 240 54398]

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:

[REDACTED]

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, 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 the instant application on August 21, 2003. On October 16, 2003, the applicant, through counsel, was requested to submit evidence establishing his eligibility for TPS late registration. The applicant was also requested to submit evidence establishing his qualifying continuous residence and continuous physical presence in the United States. In addition, the applicant was requested to submit evidence that he is a national of El Salvador. The record did not contain a response from the applicant; therefore, the director denied the application on April 22, 2004.

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, 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.

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.