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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED] OFFICE: VERMONT SERVICE CENTER DATE: JAN 05 2006  
[EAC 04 086 52493]

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, 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.

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

The director denied the application on June 9, 2004; however, the director's decision does not clearly indicate the specific basis for the denial. 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 filed a prior Form I-821, Application for Temporary Protected Status, on June 25, 2001. The director denied that application on April 8, 2003, because the applicant failed to establish continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since March 9, 2001.

The applicant attempted to re-register for TPS on August 7, 2003 and again on October 25, 2003, but the documents were returned to him with a notice informing that he was not eligible to re-register for TPS since his initial application had been denied. On January 12, 2004, the applicant attempted to file a motion to reopen the matter, requesting that the motion fee be waived. On January 22, 2004, the director issued a notice informing the applicant that the deadline to file a motion to reopen the prior denial decision had passed, but he could file a late initial TPS application. On February 2, 2004, the applicant filed the current Form I-821 as a late initial TPS application.

It is further noted that the record of proceeding, as it is presently constituted, does not contain any evidence to establish the applicant's eligibility for late initial registration. Nor does the record contain sufficient evidence to establish the applicant's qualifying continuous residence and continuous physical presence in the United States during the requisite periods.

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.