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[REDACTED]

FILE: [REDACTED]
[EAC 01 168 50112]

Office: VERMONT SERVICE CENTER

Date: **JAN 26 2006**

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 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 2, 2001. On August 13, 2003, the applicant was requested to submit the final court dispositions for his past arrest on October 23, 2001, for Sex Offense Fourth Degree. The applicant was also requested to submit evidence establishing his qualifying continuous residence in the United States. However, the record does not contain a response from the applicant; therefore, the director denied the application on October 18, 2004. It is also noted that the record contains a copy of the court disposition from the Circuit Court for Howard County, Maryland, indicating that the applicant pled guilty to Assault-Second Degree, with a maximum possible penalty of 10 years. The applicant was sentence to 18 months in jail.

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.

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.