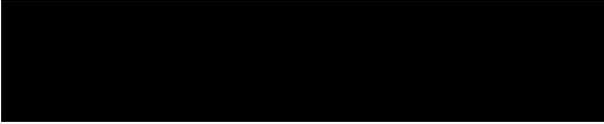




U.S. Citizenship
and Immigration
Services

PUBLIC COPY

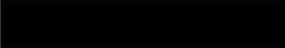
**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



M1

JUN 28 2006

FILE:



Office: VERMONT SERVICE CENTER

Date:

[EAC 02 038 51697]

IN RE:

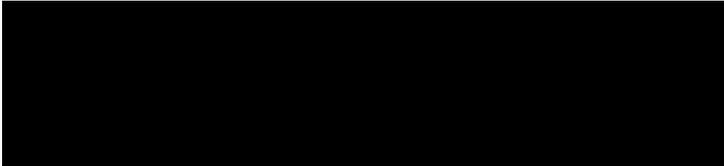
Applicant:



APPLICATION:

Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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, Chief
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 initial TPS application on October 1, 2001. On August 20, 2003, the applicant was requested to submit evidence establishing his qualifying continuous residence in the United States as of February 13, 2001, and continuous physical presence in the United States since March 9, 2001. The record does not contain a response from the applicant; therefore, the director denied the application on January 14, 2004.

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.

It is noted that the applicant is the beneficiary of an approved Form I-130, Petition for Alien Relative, filed on his behalf by his [REDACTED] a United States citizen. The applicant's Form I-485, Application to Register Permanent Residence or Adjust Status, was denied by the Director, Missouri Service Center, on November 1, 2005, because the applicant was found to be ineligible for adjustment of status under section 245(i) of the Act.

It is further noted that the record of proceeding, as it is presently constituted, does not 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 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.