



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED]  
[EAC 03 076 51993]

Office: VERMONT SERVICE CENTER

Date: NOV 01 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:



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 this Form I-821, Application for Temporary Protected Status, on September 3, 2002, during the initial registration period. On May 8, 2003, the director requested the applicant to submit evidence establishing his qualifying continuous physical presence in the United States since March 9, 2001. The applicant was also requested to submit the final court dispositions of all charges against him. The record reflects that the applicant failed to respond to the director's request.

While the director's decision states: "the grounds for denial have not been overcome," 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.