



U.S. Citizenship
and Immigration
Services

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M-1



FILE:

Office: VERMONT SERVICE CENTER

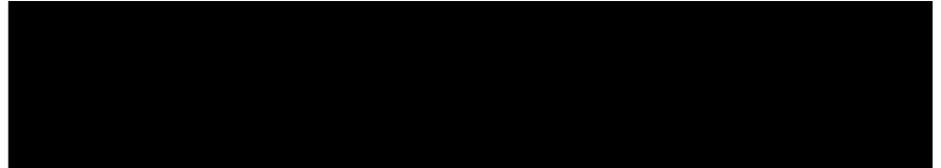
Date: **NOV 02 2006**

[EAC 03 076 53456 – I-821]

[EAC 04 012 53167 – Motion]

IN RE:

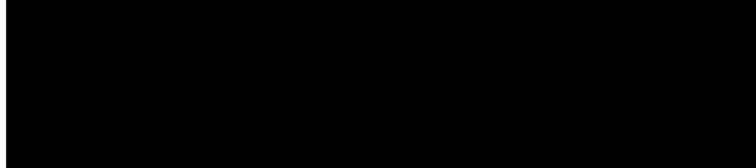
Applicant:



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. The director subsequently dismissed a motion to reopen the case. The case is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded.

The applicant claims to be a 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 director denied the application on January 21, 2004. The director's decision did not indicate the specific basis for the denial.

The applicant filed a motion to reopen on March 5, 2004. The director dismissed the motion on July 7, 2004. The applicant, through counsel, has now filed an appeal from that decision.

Pursuant to 8 C.F.R. § 103.3(a)(1)(i), when an officer denies an application, the officer "shall explain in writing the specific reasons for denial." Therefore, the case will be remanded for the issuance of a new decision that sets forth the specific reasons for denial of the application.

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 issuance of a new decision.