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U.S. Citizenship
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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: **SEP 01 2006**
[REDACTED] consolidated herein]
[EAC 01 154 53533]

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.


for 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 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 record reveals that the applicant filed her initial TPS application on March 20, 2001. On August 4, 2003, the director requested the applicant to submit evidence to establish her qualifying continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001. The director determined that the applicant had failed to respond to the request and denied the application on September 17, 2003.

While the director's decision states: "the grounds for denial have not been overcome," the specific reasons for the denial are 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 was ordered removed from the United States by an immigration judge on May 7, 1997, under alien registration [REDACTED] That order remains outstanding.

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.