



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED]  
[WAC 05 146 78762]

OFFICE: CALIFORNIA SERVICE CENTER DATE: FEB 02 2007

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.

A handwritten signature in cursive script, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief

Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California 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.

When an officer denies an application, "the officer shall explain in writing the specific reasons for denial." 8 C.F.R. § 103.3.

The director denied the application on May 15, 2006. The director stated in the denial decision that the applicant failed to respond to a Notice of Intent to Deny dated February 5, 2006; however, no copy of the Notice of Intent to Deny is contained in the record of proceeding. Furthermore, the director's decision does not clearly indicate the specific basis for the denial. Therefore, the case will be remanded for incorporation of a copy of the Notice of Intent to Deny into the record of proceeding and issuance of a new decision that sets forth the specific reasons for the denial.

As always in these proceedings, the burden of proof remains solely on 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.