



U.S. Citizenship  
and Immigration  
Services

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FILE:

Office: VERMONT SERVICE CENTER

Date: JAN 05 2007

[EAC 03 046 52156 – I-821]  
[EAC 03 259 57352 – Appeal]

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:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the California Service Center. 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 (VSC), and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded for the issuance of a new decision.

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 September 8, 2003. The director's decision did not indicate the specific basis for the denial. The applicant filed the current appeal from the director's denial on September 22, 2003.<sup>1</sup>

Pursuant to 8 C.F.R. § 103.3(a)(1)(i), when an officer [of Citizenship and Immigration Services (CIS), formerly, the Immigration and Naturalization Service (INS)] denies an application, the officer "shall explain in writing the specific reasons for denial."

The director's denial decision does not clearly indicate the specific basis for the decision. Therefore, the case will be remanded for the issuance of a new decision that sets forth the specific reasons for denial of the application.

It is noted that the applicant submitted an application to re-register for TPS or renew her temporary treatment benefits with the California Service Center (CSC) on December 29, 2004 (WAC 05 090 82486 relates). A decision on a subsequent appeal from that decision will be provided under separate cover.

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 for the issuance of a new decision.

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<sup>1</sup> The applicant subsequently filed a motion to reopen the matter (EAC 04 017 51062 relates) on November 10, 2003, stating that the director had not explained the reason for denial of the application. The director dismissed the motion on February 4, 2004.