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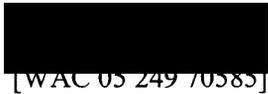
U.S. Citizenship
and Immigration
Services

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FILE:



OFFICE: CALIFORNIA SERVICE CENTER DATE:

JAN 19 2007

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 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 stated in the denial decision dated May 26, 2006:

On March 16, 2006 [sic] issued you a Notice of Intent to Deny requesting to provide evidence of eligibility for TPS within 30 days. Our records reflect that you did not submit a response to our Notice of Intent to Deny. The Notice of Intent to Deny was mailed to your last known mailing address and was not returned by the U.S. Post Office as undeliverable. Because you failed to demonstrate eligibility for TPS under section 244 of the INA, your application is denied.

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

It is noted that the applicant did respond to the Notice of Intent to Deny, but his response was not received at the California Service Center until June 5, 2006, after the deadline specified in the Notice of Intent to Deny and after the issuance of the denial decision. The applicant, in response, provided evidence to establish his identity and nationality and evidence relating to his residence and physical presence in the United States. He did not provide any evidence to establish his eligibility for late initial registration as set forth at 8 C.F.R. § 244.2(f)(2). It is further noted that the applicant has not provided sufficient credible evidence to establish his qualifying continuous residence and continuous physical presence in the United States as set forth at 8 C.F.R. § 244.2(b) and (c).

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.