



U.S. Citizenship
and Immigration
Services

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FILE:

[REDACTED]
[EAC 02 292 53219]

Office: Vermont Service Center

Date: MAR 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 black ink, appearing to read "Robert P. Wiemann".

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 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.

The record reveals that the applicant filed her application on September 9, 2002. On January 12, 2004, the applicant was requested to submit evidence establishing her qualifying continuous residence and continuous physical presence in the United States. The record did not contain a response from the applicant; therefore, the director denied the application on July 18, 2004.

The director denied the application because the applicant had failed to respond to a request for evidence, and therefore, the grounds for denial had not been overcome. However, under 8 C.F.R. § 103.3, "the officer shall explain in writing the specific reasons for denial."

It is also noted that the director's January 12, 2004, request was sent to an incorrect address of [REDACTED] in Herndon, Virginia. The applicant had indicated on her applications for employment authorization and temporary protected status that her address was [REDACTED] in Herndon, Virginia.

The case is remanded for the issuance of a new decision that sets forth the specific reasons for the denial.

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 entry of a new decision.