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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: **JAN 26 2006**
[EAC 03 266 55803]

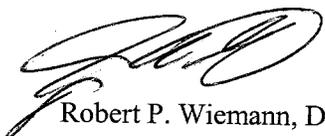
IN RE: Applicant: [REDACTED]

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.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The matter 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 April 2, 2004; 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 record of proceeding, as it is presently constituted, does not contain sufficient evidence to establish the applicant's eligibility for late initial registration, his continuous residence in the United States since February 13, 2001, or his continuous physical presence in the United States since March 9, 2001.

It is further noted that an Immigration Judge in New York, New York, ordered the applicant deported to El Salvador on July 31, 1990, and the record contains an outstanding Form I-205, Warrant of Deportation, issued on August 12, 1993.

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.