

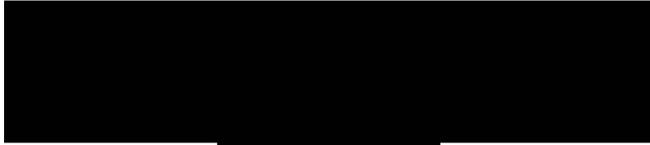
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U.S. Department of Homeland Security  
20 Massachusetts Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE:

[EAC 01 169 50828]

OFFICE: VERMONT SERVICE CENTER

DATE: JAN 16 2008

INRE:

Applicant:



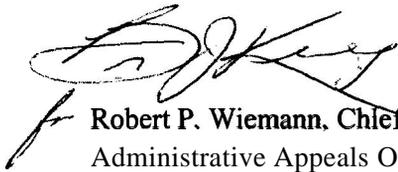
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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.

  
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 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 January 15, 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 applicant, on appeal, provided the court disposition that had been requested by the director on July 31, 2003, regarding his November 15, 1999, arrest for carrying a concealed deadly weapon. This document does not reveal a conviction for immigration purposes. However, the record also reveals that the applicant was subsequently charged with "deadly weapon" on August 3, 2002; "fugitive from justice" on September 16, 2002 and November 19, 2002; and "ITA-DEADLY WEAPON-CONCEAL" on June 8, 2004. Furthermore, it does not appear that the applicant has submitted sufficient evidence to establish his qualifying continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001, in the United States as required under 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.