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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED]
[EAC 02 276 51964]

Office: VERMONT SERVICE CENTER

Date: **AUG 29 2005**

IN RE: Applicant:

[REDACTED]

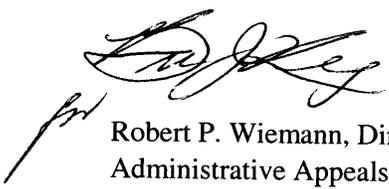
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:

[REDACTED]

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 (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.

The record reveals that the applicant filed his application on August 30, 2002. On July 1, 2003, the applicant was requested to submit the final court dispositions for all of his past arrests. The applicant was also requested to submit evidence establishing his qualifying continuous physical presence in the United States. The director noted in his August 30, 2002 request that the Federal Bureau of Investigation (FBI) transmittal revealed that the applicant was arrested by the County Mineola Police on April 17, 1994 (Agency Case No. [REDACTED]). However, the record does not contain a response from the applicant; therefore, the director denied the application on August 27, 2003.

However, while the director's decision states: "your application is denied", the specific reason for the denial is not indicated. Under 8 C.F.R. § 103.3, "the officer shall explain in writing the specific reasons for denial."

It is noted that the applicant was granted voluntary departure on February 25, 1999, at New York City, New York, under record [REDACTED] (consolidated within this record.)

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.