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U.S. Citizenship  
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FILE: [Redacted] Office: CALIFORNIA SERVICE CENTER Date: JUL 20 2005  
[WAC 03 030 55042]

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*  
Robert P. Wiemann, Director  
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 matter 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 director denied the application on January 12, 2004; however, the specific reason for the denial is not indicated.

It is noted that the director incorrectly cites 8 C.F.R. § 103.2(b)(16)(i) in his decision. That section states that, in cases where Citizenship and Immigration Services (CIS) intends to deny an application based on derogatory information of which the applicant is unaware, the applicant shall be informed of the derogatory information and provided the opportunity to rebut the information and present information in his or her own behalf before the decision is rendered. A review of the record indicates that there is no derogatory information related to this application.

Pursuant to 8 C.F.R. § 103.3, "the officer shall explain in writing the specific reasons for the denial."

The case is 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 continuous residence in the United States since February 13, 2001 and his continuous physical presence in the United States since March 9, 2001. The record also does not contain an official Salvadoran photo identification document to establish the applicant's identity.

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.