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**U.S. Citizenship
and Immigration
Services**

MI

FILE:

[REDACTED]
[EAC 01 216 52515]

Office: VERMONT SERVICE CENTER

Date: **JUL 25 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: 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, 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.

Pursuant to 8 C.F.R. § 103.3(a)(1)(i), when an officer denies an application, the officer "shall explain in writing the specific reasons for denial."

The director denied the application on September 9, 2003. The director's decision does not 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 denial of the application.

It is noted that the applicant was previously apprehended on October 14, 2000, at or near Del Rio, Texas, and ordered removed on January 31, 2001, at Dallas, Texas, under record [REDACTED] (now consolidated within this record). At the time of the previous apprehension he claimed to be a national and citizen of Guatemala. It is also noted that the applicant failed to indicate any previous arrest or apprehension on his Form I-821, Application for Temporary Protected Status.

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.