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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
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U.S. Citizenship
and Immigration
Services

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FILE:



[WAC 03 029 55009]

Office: CALIFORNIA SERVICE CENTER

Date: MAR 29 2005

IN RE:

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.

Cindy N. Gomez fo

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 case will be remanded for further consideration and action.

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.

Although the Notice of Denial cover sheet dated March 2, 2004, indicates that the Form I-821, Application for Temporary Protected Status, is being denied for the reason indicated in the attached document, the attachment itself appears to be the language pertinent to that of a Notice of Intent to Deny rather than a decision denying the application.

The director did not state the specific reason for the denial in his decision. Under 8 C.F.R. § 103.3, "the officer shall explain in writing the specific reasons for denial."

Accordingly, the matter is remanded for issuance of a Notice of Intent to Deny requesting any additional evidence the director deems necessary, and issuance of a new decision.

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 further action consistent with the above and entry of a decision.