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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

MI

FILE: [REDACTED]
[EAC 03 055 53160]

Office: VERMONT SERVICE CENTER

Date: SEP 15 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 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 September 10, 2002. On March 31, 2003, and again on January 27, 2004, the applicant was requested to submit evidence establishing his qualifying continuous residence in the United States as of February 13, 2001, and continuous physical presence in the United States since March 9, 2001. The record does not contain a response from the applicant; therefore, the director denied the application on April 1, 2004.

It is noted that these letters were all addressed to the applicant in care of the individual and organization listed on the Form G-28, Notice of Entry of Appearance as Attorney or Representative. However, the U.S. Department of Justice, Executive Office for Immigration Review, Recognition and Accreditation Roster does not list either the representative or the organization as recognized entities. Therefore, the applicant will be considered as self-represented, and the decision rendered only to him.

While the director's decision states: "You were granted an opportunity to submit any evidence you thought would overcome the grounds of denial... the grounds for denial have not been overcome", 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."

Therefore, 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.