



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE: [Redacted] Office: TEXAS SERVICE CENTER Date: AUG 19 2004

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, Texas Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded.

The applicant states that she is a native and citizen of Honduras who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

While the director's decision states: "your application is denied for the following reason", the specific reason for the decision 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 on the Form I-821, Application for Temporary Protected Status, dated July 3, 2002, the applicant indicated her date of entry as August 1, 2001. The Form I-821 submitted on June 3, 2003, as a re-registration, has the date of entry handwritten in ink as "1998." The record contains a letter stating the applicant resided from January through September 1998 at an apartment in Duluth, Georgia. The record also contains a Republic of Honduras, national identity card issued in Honduras on December 5, 2000. The applicant has not clarified the inconsistency regarding her date of entry. It is further noted that the applicant provided minimal evidence regarding her continuous residence and continuous physical presence in the United States. The letters she provided from the church do not conform to the regulatory provisions at 8 C.F.R. § 244.9(a)(2)(v)(A) through (G).

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