



U.S. Citizenship
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Services

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FEB 10 2005

FILE: [REDACTED]
[SRC 03 213 54458]

OFFICE: TEXAS SERVICE CENTER

DATE:

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.

Cindy M. Gomer for

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas Service Center. The application is now before the Administrative Appeals Office on appeal. The case will be remanded.

The applicant is a 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 Notice of Decision to Deny dated January 6, 2004, in the body of the letter reflects facts pertinent to the applicant's case, it is noted that the letter itself was addressed to a different applicant with a mailing address in another state. A separate Notice of Decision, also dated January 6, 2004, discussing only the denial of the applicant's employment authorization, was correctly addressed and mailed to the applicant. This letter states only that the employment authorization is denied because the Form I-821, Application for Temporary Protected Status, has been denied. With the Form I-290B, Notice of Appeal, the applicant sent a copy of only the decision pertaining to his employment authorization; it does not appear that the applicant received the decision containing the specific reason for the denial of his TPS application. 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 to the applicant of a 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.