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U.S. Citizenship
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Services

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FILE:

[EAC 03 213 51601]

Office: Vermont Service Center

Date: JUN 15 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 for
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 Honduras 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 her application on July 7, 2003. On August 12, 2003, the applicant was requested to submit evidence establishing her eligibility for TPS late registration. The applicant was also requested to submit evidence establishing her qualifying continuous residence and continuous physical presence in the United States, and she was requested to submit a copy of her identity document. The director determined that the applicant did not respond to the request for evidence; therefore, the director denied the application on October 3, 2003, because the grounds for denial had not been overcome.

On March 1, 2004, the director requested that the case be remanded because it was recognized that the applicant did respond.

Therefore, without further review of the appeal, the case is remanded to the director.

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.