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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. A3042  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

M1



FILE:



Office: VERMONT SERVICE CENTER

Date:

[EAC 02 201 51451]

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, 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 director denied the application on July 18, 2003; however, the director's decision does not clearly indicate the specific basis for the denial.

When an officer denies an application, "the officer shall explain in writing the specific reasons for denial." 8 C.F.R. § 103.3.

Therefore, the director's decision will be withdrawn and the case will be remanded for the issuance of a new decision that sets forth the specific reasons for the denial.

It is noted that the applicant was expeditiously removed from the United States on March 23, 1999, under 8 C.F.R. §§ 212(a)(6)(C)(i) [fraud] and 212(a)(7)(A)(i)(I), while attempting to enter the United States at the Houston International Airport, Texas, and was apprehended a second time on July 29, 1999, when 8 months pregnant, while attempting entry into the United States again, in violation of the terms of her removal. Documentation submitted in reference to the applicant's attempts to establish continuous residence and continuous physical presence also appears fraudulent and in direct contradiction to the facts of her record.

As always in these proceedings, the burden of proof remains solely on 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.