



U.S. Citizenship  
and Immigration  
Services

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[REDACTED]

FILE: [REDACTED]  
[EAC 04 018 51434]

Office: VERMONT SERVICE CENTER

Date: **NOV 30 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:

[REDACTED]

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, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office 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 determined that the applicant failed to establish that she was eligible for filing her TPS application after the initial registration period from January 5, 1999 to August 20, 1999. The director, therefore, denied the application.

On appeal, the applicant submits evidence to establish that she filed her TPS application during the initial registration period.

As stated in 8 C.F.R. § 244.1, "register" means "to properly file, with the director, a completed application, with proper fee, for Temporary Protected Status during the registration period designated under section 244(b) of the Act."

The record reveals that the applicant did file an initial application for TPS during the initial registration period on June 28, 1999. That application was denied on July 22, 2003; however, the director's decision does not clearly indicate the specific basis for the denial. The applicant was told that she could file an appeal to this decision within 30 days from the date of the denial. The applicant did not file an appeal during the requisite timeframe.

The applicant filed a subsequent Form I-821, Application for Temporary Protected Status, on October 16, 2003. The director denied this application because it was filed outside of the initial registration period and because the applicant had failed to establish her eligibility for filing under the provisions of late registration. However, because the director's initial decision did not clearly state the specific basis for the denial, that application should have been remanded. Thus, the applicant's subsequent application should have been considered a re-registration and not a late initial.

Under 8 C.F.R. § 103.3, "the officer shall explain in writing the specific reasons for denial."

As always in these proceedings, the burden of proof remains solely on the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

The case is remanded for the issuance of a new decision that sets forth the specific reasons for the denial.

**ORDER:** The case is remanded to the director for entry of a new decision.