



U.S. Citizenship
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Services

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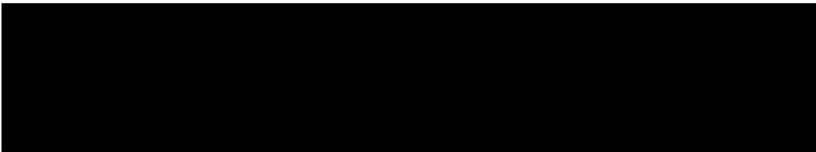
OFFICE: CALIFORNIA SERVICE CENTER

DATE: FEB 28 2007

[WAC 05 103 76472]

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded to the director for further action.

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.

Pursuant to 8 C.F.R. § 103.3(a), when a Service officer denies an application or petition, the officer shall explain in writing the specific reasons for denial.

The director denied the application on May 16, 2006, because the applicant failed to respond to the Notice of Intent to Deny (NOID) issued on February 15, 2006. It is noted, however, that the reason(s) for the issuance of the NOID is not known as the NOID is not contained in the record of proceeding. Additionally, the director failed to explain in his Notice of Decision to Deny the specific reason for the denial.

Therefore, the case is remanded for the issuance of a new decision that sets forth the specific reasons for the denial. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS.

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.