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U.S. Citizenship
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Services

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FEB 17 2005

FILE: [REDACTED]
[EAC 03 211 52931]

Office: Vermont 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.

Robert P. Wiemann

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 his application on July 3, 2003. On August 28, 2003, the applicant was requested to submit evidence establishing his eligibility for late registration. The applicant was also requested to submit evidence establishing his qualifying continuous physical presence in the United States. The record does not contain a response from the applicant; therefore, the director denied the application on January 8, 2004.

While the director's decision states: "your application is denied", the specific reason for the decision is not indicated. Under 8 C.F.R. § 103.3, "the officer shall explain in writing the specific reasons for denial."

Therefore, the case will be remanded for a review of the record and for the issuance of a written, formal decision specifying the specific reasons for the denial of the Form I-821.

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 entry of a new decision.