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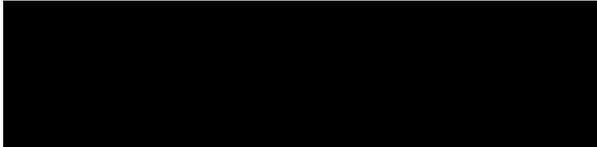
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
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U.S. Citizenship
and Immigration
Services

MI



FILE: [REDACTED]
[EAC 03 192 50637]

Office: Vermont Service Center

Date: AUG 23 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: 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 June 5, 2003. On July 3, 2003, the applicant was requested to submit evidence establishing his qualifying continuous residence and continuous physical presence in the United States. On July 29, 2003, the applicant submitted some evidence in an attempt to establish his qualifying residence and physical presence in the United States during the requisite time periods for Honduran TPS.

Subsequently, on October 10, 2003, the applicant was requested to submit additional evidence establishing his eligibility for TPS late registration. The record, however, does not contain a response from the applicant; therefore, the director denied the application on January 15, 2004.

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

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

It is noted that the applicant indicates that he is eligible for late registration as the child of a TPS registrant. However, for purposes of this benefit, the applicant ceased being a "child," under the Immigration and Naturalization Act, on January 18, 1997, when he reached his 21st birthday, and prior to the initial registration period for Hondurans.

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.