



U.S. Citizenship
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Services

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FILE: [REDACTED]
[EAC 03 211 53069]

Office: VERMONT SERVICE CENTER

Date: AUG 29 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, 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 also determined that the applicant failed to submit a Form I-601, Application for Waiver of Ground of Excludability. The director, therefore, denied the application.

On appeal, the applicant asserts that she is eligible for late registration because she is the spouse of an alien currently eligible for TPS. The applicant also submits a copy of the Form I-601.

The case will be remanded and the director shall fully adjudicate the Form I-601 submitted on appeal. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS offered to 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 for further action.