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U.S. Citizenship
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FILE:



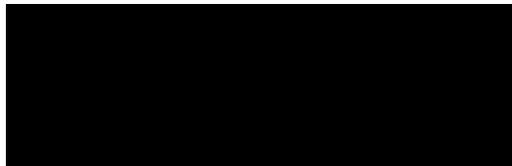
[EAC 03 209 53597]

Office: VERMONT SERVICE CENTER

Date: JUL 29 2005

IN RE:

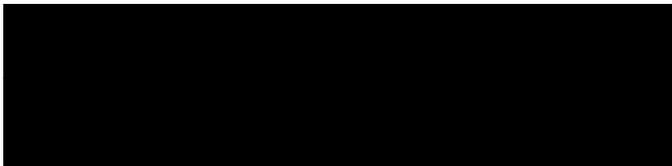
Applicant:



APPLICATION:

Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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 (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.

When an officer denies an application, "the officer shall explain in writing the specific reasons for denial." 8 C.F.R. § 103.3.

The director denied the application on January 15, 2004; however, the director's decision does not clearly indicate the specific basis for the denial. Therefore, the case will be remanded for the issuance of a new decision that sets forth the specific reasons for the denial.

It is noted that the record of proceeding, as it presently constituted, does not contain sufficient evidence to establish the applicant's qualifying continuous residence and continuous physical presence in the United States during the requisite periods. Additionally, the record does not contain sufficient evidence to establish the applicant's eligibility for late initial registration. Although the applicant asserts that he filed a timely Form I-821 in 1999, Citizenship and Immigration Services (CIS) records contain no indication that the applicant filed a timely TPS application on or about January 1999. On appeal, the applicant submits a photocopy of a Form I-821 and a Form I-765, Application for Employment Authorization, that appear to have been stamped indicating receipt at the Vermont Service Center on or about May 24, 2000. CIS records do not contain any record of such application. Further, even if the applicant filed a TPS application on May 24, 2000, it would still have been considered untimely filed since the initial registration period for Hondurans expired on August 20, 1999.

As always in these proceedings, the burden of proof remains solely on 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.