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U.S. Department of Homeland Security

Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street, N. W.
Washington, DC 20536



File:



Office: Nebraska Service Center Date:

DEC 18 2003

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 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.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of Citizenship and Immigration Services (CIS) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office on appeal. The case will be remanded for further consideration and action.

The applicant is a native and citizen of Honduras who indicated on his application that he entered the United States on November 22, 1994, without a lawful admission or parole.

In a decision dated March 4, 2003, the director stated that the applicant had been requested, on November 14, 2002, to submit additional evidence to establish his claim of eligibility. The director cataloged the applicant's apparent February 5, 2003, response to the request for evidence and concluded that the applicant had failed to submit "conclusive evidence of nationality, residence, continuous physical presence, and that you qualify for late registration."

However, neither the director's November 14, 2002, request for evidence, nor the applicant's February 5, 2003, response to this request, was entered into the record of proceeding. Furthermore, while the record suggests that the applicant filed an earlier application during the initial registration period, neither this application, nor its supporting evidence, is contained in the record of proceedings.

The director must incorporate into the record all evidence that has been cited as supporting the decision of denial. If such evidence cannot be located, or if the evidence differs from that described in the Notice of Decision, the director must render a new decision. In the event of a new decision of denial, the appeal will remain in effect and the case will be returned to the Administrative Appeals Unit for review.

ORDER: The case is remanded for appropriate action consistent with the foregoing.