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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **APR 28 2004**

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 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, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded to the director for further action.

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.

As stated in 8 C.F.R. § 244.1, "register" means "to properly file, with the director, a completed application, with proper fee, for Temporary Protected Status during the registration period designated under section 244(b) of the Act."

The initial registration period for Hondurans was from January 5, 1999, through August 20, 1999. The record reflects that the applicant filed his TPS application on August 24, 2000.

On March 7, 2002, the applicant was requested to submit evidence establishing his nationality, his date of entry into the United States, and his qualifying residence in the United States. However, the director's request for additional evidence dated March 7, 2002, did not mention that the TPS application was received after the initial registration period; nor was the applicant given an opportunity to submit evidence to establish eligibility for late initial registration pursuant to 8 C.F.R. § 244.2(f)(2).

On December 17, 2002, the director denied the application because the applicant failed to file his application during the registration period, no later than August 20, 1999. The director, in his decision, stated: "The Service [now Citizenship and Immigration Services] has concluded that the applicant is a dependent of an alien currently ineligible for TPS. As such, the applicant is not eligible for Temporary Protected Status within the meaning of section 244 of the Act. Therefore, the application is denied."

The case will, therefore, be remanded so that the director may accord the applicant an opportunity to submit evidence to establish that he is eligible for late initial registration pursuant to 8 C.F.R. § 244.2(f)(2). The director shall enter a new decision that, if adverse to the applicant, is to be certified to the AAO for review.

ORDER: The director's decision is withdrawn. The case is remanded for appropriate action consistent with the above discussion and entry of a new decision.