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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

M

[REDACTED]

FILE: [REDACTED]
[LIN 02 200 50424]

Office: NEBRASKA SERVICE CENTER

Date: **AUG 04 2004**

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.

Cindy M. Gomez for
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Nebraska Service Center. An appeal was subsequently summarily dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reconsider. The motion will be granted. The previous decision of the AAO will be withdrawn. The case is remanded to the director for further consideration and 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.

On December 3, 2002, the director withdrew the applicant's Temporary Protected Status, after determining that the applicant had failed to establish that he had filed for re-registration during the requisite period.

The evidence contained in this record of proceeding is not sufficient to support the director's decision of denial. Therefore, the case will be remanded; the director shall review all records pertaining to this applicant and issue a new decision that, if adverse to the applicant, shall be certified to the AAO for review. All files relating to this individual's TPS application shall also be included with the certification. The director may request any evidence deemed necessary to assist him with the determination of the applicant's eligibility for TPS.

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 matter is remanded for further consideration and action.