



U.S. Citizenship
and Immigration
Services



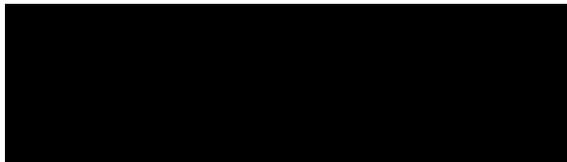
FILE:



Office: TEXAS SERVICE CENTER Date:

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

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The director's decision will be withdrawn and the matter will be remanded for further action.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.

On September 5, 2002, the director denied the application filed on January 10, 2002, after determining that the applicant had failed to establish that he was eligible for filing after the initial registration period from January 5, 1999 to August 20, 1999. The director also determined that the applicant had failed to submit evidence to establish his nationality and his continuous residence in the United States during the requisite periods.

The applicant, however, did not indicate on his Form I-821, Application for Temporary Protected Status, that he was filing his first application to register for TPS. Rather, he indicated that he was applying for annual re-registration and provided the file number from his initial application, [REDACTED]. The applicant also submitted a photocopy of his Employment Authorization Card (EAD) valid from November 2, 1999 through July 5, 2000, indicating approval of his initial TPS application (Category A12), under the name of [REDACTED].

It is noted that the date, November 2, 1999, provided on the EAD card is insufficient to establish whether or not the applicant filed during the initial registration period. In addition, this record, as currently constituted, contains photocopies of the applicant's employment authorization cards under both A-numbers associated with his TPS applications, and various Citizenship and Immigration Services (CIS) receipts notices. The file, however, contains no evidence of the applicant's nationality, or his qualifying continuous residence or continuous physical presence in the United States during the requisite periods.

The evidence contained in this file is not sufficient to support the director's decision of denial. Therefore, the case will be remanded. The director shall review all CIS records pertaining to this applicant. The director may request any evidence deemed necessary to assist 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 director's decision is withdrawn and the matter is remanded for further action.