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U.S. Citizenship
and Immigration
Services

MI

FILE: [REDACTED]
[SRC 02 217 54988]

OFFICE: TEXAS SERVICE CENTER

DATE: **AUG 15 2005**

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.

Robert P. Wiemann
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas Service Center. A motion to reopen, filed by the applicant, was granted by the director and she again denied the application. The applicant again filed a motion. 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.

On October 30, 2002, the director denied the application due to abandonment because the applicant failed to submit evidence of his eligibility for late registration. The director informed the applicant that there is no appeal from a denial due to abandonment, but that he could file a motion to reopen the case within 33 days of the date of issuance of the Notice of Decision.

On December 2, 2002, the applicant filed a motion to reopen the case. The applicant stated that he is a 19 year-old female from El Salvador. According to the applicant "he never refused to ignore, avoid or abandon his case which he file."

On March 24, 2003, the director dismissed the motion because it did not meet the requirements of a motion to reopen as set forth in 8 C.F.R. § 103.5(a)(4).

The applicant filed another motion on April 14, 2003. On this motion, the applicant states his previous motion incorrectly identified him as an El Salvadoran, and he is hoping that his petition will be approved.

8 C.F.R. § 103.5(a)(ii) states:

The official having jurisdiction is the official who made the latest decision in the proceeding unless the affected party moves to a new jurisdiction.

In this case, the district director denied the initial motion based on an abandonment denial. Consequently, she has jurisdiction over the second motion to reopen as well, and, the AAO has no jurisdiction to consider the current Motion to Reopen. Therefore, the appeal must be remanded to the district director.

ORDER: The case will be remanded for further consideration and action.