

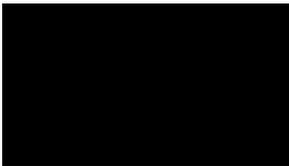


U.S. Citizenship
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FILE: [REDACTED]
[SRC 02 197 55389]

Office: CALIFORNIA SERVICE CENTER

Date: **DEC 01 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, Director
Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center (TCS) on October 7, 2002, denied the applicant's first application for TPS filed on June 10, 2002 because the applicant failed to establish he was eligible for late registration. An appeal from the TCS director's decision was dismissed after the Director of the Administrative Appeals Office (AAO) also concluded that the applicant had failed to establish his eligibility for TPS. The case is remanded.

Another Form I-821, Application for Temporary Protected Status, filed by the application for re-registration was denied by the Director, California Service Center (CSC), and the matter is now before the 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 The director's decision will be withdrawn and the matter will be remanded for further action.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.

The record of proceeding does not contain the Form I-821 that the CSC director's decision to deny refers to. Therefore, the case will be remanded for inclusion of that critical document in the record. The case shall then be returned to AAO for finalization.

In these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The case is remanded to the director for further consideration and action.