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U.S. Citizenship
and Immigration
Services

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FILE:



[LIN 02 197 50986]

Office: Nebraska Service Center

Date:

FEB 15 2008

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, Nebraska 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 The director's decision will be withdrawn and the matter will be remanded for further action.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.

The director denied the current application, filed on May 15, 2002, after determining that the applicant had failed to establish eligibility for filing after the initial registration period from January 5, 1999, to August 20, 1999. The applicant, however, did not indicate that the current application was his *initial* Application for Temporary Protected Status. Rather, the applicant indicated that the current application was an annual re-registration and provided the A-number relating to his initial application. The applicant also provided copies of numerous Employment Authorization Cards and a receipt for his initial TPS application as well as receipts for previous TPS re-registrations. The record reveals that the director acknowledged the significant documentation submitted by the applicant regarding his prior applications; however, the director inexplicably determined that the current application was a "late initial registration."

The evidence contained in this file does not support the director's decision of denial. Therefore, the director's decision will be withdrawn and the case will be remanded. The director shall review all CIS records pertaining to this applicant and all files relating to this individual's TPS application history shall be consolidated into the record of proceedings. The director shall issue a new decision that, if adverse to the applicant, shall be certified to the AAO for review. 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. The matter is remanded for further action.