

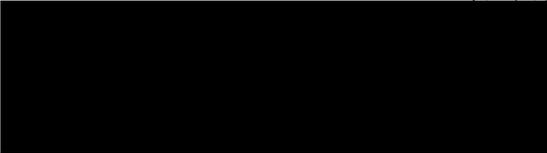
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U.S. Citizenship
and Immigration
Services

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EXECUTIVE ORDER 13526
VIOLATION OF PERSONAL PRIVACY



FILE:



Office: Nebraska Service Center

Date: JUN 13 2005

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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Nebraska Service Center, and the case is now before the Administrative Appeals Office on appeal. The director's decision will be withdrawn and the case will be remanded for further action.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 approved the applicant's initial application for Temporary Protected Status (TPS). The director subsequently withdrew the applicant's Temporary Protected Status on January 10, 2003, when it was determined that the applicant had failed to submit the required annual re-registration in 2001. However, the current record of proceedings contains only the applicant's most recent application for re-registration, filed on June 6, 2002. The record does not reflect any attempt by the director to review the applicant's initial application or any prior applications for re-registration before rendering a decision on the current application for re-registration. In addition, CIS computer records indicate that the applicant submitted a Form I-765, Application for Employment Authorization, as a re-registration application in 2001 under receipt [REDACTED] these records also indicate that two re-registration applications were submitted in 2002.

The evidence contained in this file is not sufficient to support the director's decision. Therefore, 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.