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FILE: [REDACTED]  
[LIN 02 238 50508]

Office: Nebraska Service Center

Date: **NOV 03 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:  
[REDACTED]

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 The director's decision will be withdrawn and the matter will be remanded for further action.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 July 11, 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 the *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 the initial application. The applicant also provided a copy of the Employment Authorization Card that was issued in 1999. The record does not reflect the director's acknowledgement or review of the applicant's prior application and the chronology of events that transpired, before a decision was rendered on the current application.

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 and all files relating to this individual's TPS application history shall be consolidated into the record of proceedings.

It is noted that in a letter dated March 20, 2002, the Service Center Director stated, in pertinent part:

the grounds for denial have been overcome. Therefore, this appeal will be treated as a Motion to re-consider... your Application for Temporary Protective [sic] Status (I-821) we [sic] be reopened to be reviewed.

The previous decisions and applications regarding this TPS applicant are not included in the record. Further, no decision relevant to the March 20, 2002, assertion is included in this record.

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.