



U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy
PUBLIC COPY

ML



FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE: NOV 21 2005
[REDACTED] consolidated herein]
[WAC 04 026 51163]

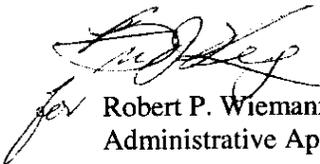
IN RE: Applicant: [REDACTED]

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 application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded to the director for further action.

The applicant claims to be 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 reveals that the applicant filed his application on November 6, 2003. In a notice of intent to deny dated December 3, 2003, the applicant was requested to submit evidence to establish: (1) his eligibility for late initial registration as set forth in 8 C.F.R. § 244.2(f)(2); (2) that he had continuously resided in the United States since December 30, 1998; (3) that he had been continuously physically present since January 5, 1999; and (4) his identity.

On February 13, 2004, the applicant filed Form I-290B, Notice of Appeal to the Administrative Appeals Unit, appealing the director's decision of February 2, 2004. However, the specific reason for the denial is not known as the director's notice of denial is not contained in the record of proceeding.

Therefore, the case is remanded for the inclusion of the director's decision into the record of proceeding.

It is noted that the record contains an undated Memorandum from the Service Center director to the Los Angeles district office requesting that the applicant be interviewed to determine eligibility and to complete the adjudication of the Forms I-821 and I-765.

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 case is remanded to the director for further action consistent with the above.