



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
[LIN 02 249 50064]

Office: Nebraska Service Center

Date: NOV 23 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.

Cindy M. Gomez
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 The director's decision will be withdrawn and the matter will be remanded for further action.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 25, 2002, after determining that the applicant had failed to establish that she was eligible for filing after the initial registration period from January 5, 1999, to August 20, 1999. The director also determined that the applicant had failed to submit sufficient evidence to establish her date of entry into the United States. The applicant, however, did not indicate that this was her initial Application for Temporary Protected Status, Form I-821. Rather, she indicated that she was applying for annual re-registration and provided the A-number from her initial application. While it appears that the applicant's initial application was denied, the record does not reflect the director's acknowledgement or review of the applicant's prior application 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. 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 matter is remanded for further consideration and action.