



U.S. Citizenship
and Immigration
Services

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invasion of personal privacy

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[REDACTED]

FILE:

[REDACTED]

Office: Nebraska Service Center

Date: **DEC 06 2006**

[LIN 01 235 50994]

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, Chief
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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Nebraska Service Center, and the case is now before the Administrative Appeals Office on appeal. The director's decision will be withdrawn and the case will be remanded for further action.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) on January 26, 2000. The director subsequently withdrew the applicant's Temporary Protected Status on November 5, 2003, when it was determined that the applicant had failed to respond to a notice requesting the applicant to submit evidence that she re-registered for the periods: 2000-2001, 2001-2002, and 2002-2003.

On appeal, counsel, on behalf of the applicant, stated that the applicant registered during the second registration period which was approved and third registration period on June 2, 2002. Counsel also states that the applicant did not receive a receipt notice or a denial for the third registration. Counsel further adds that although the applicant did not receive a receipt and employment authorization card for the third registration, she believes that mailing the registration is sufficient. Counsel also states on appeal that she had previously provided a copy of the third TPS application. In addition, counsel provides copies of three receipt notices and one approval notice regarding the applicant's temporary protected status and employment authorization applications.

A review of the record of proceedings reflects that the applicant's Temporary Protected Status was withdrawn on November 5, 2003; however, the applicant's most recent TPS re-registration [WAC 05 057 74172] was approved on February 9, 2005. It is further noted that the record of proceedings before the AAO is incomplete.

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.