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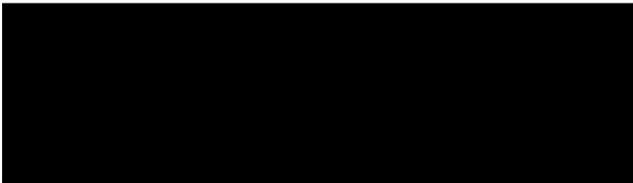


FILE: [REDACTED]
[WAC 06 095 70365]

OFFICE: CALIFORNIA SERVICE CENTER

DATE: OCT 18 200

IN RE: Applicant:

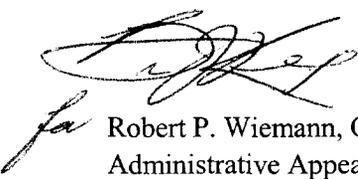


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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.


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, California Service Center, and is currently before the Administrative Appeals Office (AAO) on appeal. The application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office, and the case will be remanded for further consideration and action.

The applicant is stated to be a native and citizen of Sudan who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The applicant filed an initial application for TPS on January 3, 2006, under receipt number WAC 06 095 70365. The director denied the application on March 13, 2006, after determining that the applicant had failed to establish he was eligible for late registration.

However, the record of proceedings reveals that the director's decision was in error. The record reveals that the applicant established his eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2), as a current nonimmigrant. The applicant is in the United States on a F-1 student visa and is currently enrolled in college. He has provided evidence establishing his continuous residence and continuous physical presence in the United States since October 7, 2004, to the date of filing the application, and his date of entry into the United States.

It is noted that the Record of Proceedings does not contain a current Federal Bureau of Investigations (FBI) report.

Since the applicant has established his eligibility for late registration, the director's decision on the application will be withdrawn and the application will be remanded for a new decision. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS offered to Sudanese.

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 initial application is reopened, the director's decision is withdrawn, and the application is remanded to the California Service Center for a new decision.