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U.S. Citizenship  
and Immigration  
Services



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FILE:

[WAC 05 098 71596]

Office: CALIFORNIA SERVICE CENTER

Date: **OCT 27 2008**

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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center (CSC), 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 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 applicant filed a first Form I-821, Application for Temporary Protected Status, with the Texas Service Center (TSC) on July 3, 2003, after the initial registration period had ended (SRC 02 228 54808 relates). Citizenship and Immigration Service (CIS) records reveal that the application was denied on October 22, 2002. However, a copy of that decision is not contained in the record of proceeding.

The applicant filed the current Form I-821 on January 6, 2005, and indicated that she was re-registering for TPS or renewing her temporary treatment benefits. The director of the CSC denied the application on June 26, 2005, because the applicant's prior TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS or renewal. The applicant filed her appeal of that decision on August 16, 2005.

Service instructions at O.I. 103.3(c) provide, in part, that the record of proceeding must contain all evidence used in making the decision. As the record of proceeding does not contain a copy of the denial of the applicant's first Form I-821, and the denial of the current Form I-821 was based on that decision, the record will be remanded so that the director can properly prepare the record of proceeding and re-forward the case to the AAO.

As always in these proceedings, an alien applying for Temporary Protected Status has the burden of proving that he meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act.

**ORDER:** The matter is remanded to the director for further action consistent with the foregoing discussion.