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FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER Date: AUG 01 2007
[LIN 02 238 50633 as it relates to SRC 99 165 51109]

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 Nebraska Service Center. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Texas Service Center (TSC). A subsequent application for re-registration was denied by the Director, Nebraska Service Center (NSC), and is currently before the Administrative Appeals Office on appeal. The initial application will be reopened, *sua sponte*, by the Chief, AAO, and the case will be remanded for further consideration and 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 NSC Director denied this application because the applicant failed to establish that he was eligible for late registration.

The record includes a Form G-28, Notice of Entry of Appearance as Attorney or Representative, submitted by an individual who states that he is a coordinator of immigration services for Central Americans in the Ohio State area. However, the U.S. Department of Justice, Executive Office for Immigration Review, Recognition and Accreditation Roster does not list either the representative or the organization as recognized entities. Therefore, the applicant will be considered as self-represented, and the decision will be rendered only to him.

The applicant filed an initial application for TPS under CIS receipt number SRC 99 165 51109 which was denied by the Director, TSC, after determining that the applicant had abandoned his application by failing to respond to a Notice of Intent to Deny, (NOID).

The applicant filed the current application on July 8, 2002, and indicated that he was re-registering for TPS. The NSC Director denied the re-registration application after determining that the applicant had failed to establish he was eligible for late initial registration.

Prior to the denial of his initial TPS application by the Director, TSC, the applicant filed a subsequent Form I-821, Application for Temporary Protected Status, and two subsequent Forms I-765, Application for Employment Authorization, providing updated address information. However, the TSC director sent the applicant a Notice of Intent to Deny dated May 20, 2002, and a denial notice dated July 12, 2002, concerning his initial Form I-821 to the address that he had provided in a letter dated December 7, 1999, and not to the latest address that he had provided for the record.

The director's denial of the initial application will be withdrawn and the application will be remanded for a new decision. The director's denial of the application for re-registration is also withdrawn as it is dependent upon the adjudication of the initial application. 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 initial application is reopened, the director's decision is withdrawn and the application is remanded. The re-registration application is remanded for further action consistent with the director's new decision on the initial application.