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[REDACTED]

FILE:

[REDACTED]

Office: VERMONT SERVICE CENTER

Date: JUL 30 2007

[REDACTED] consolidated therein]

[EAC 99 226 51154]

[EAC 03 210 54060]

IN RE:

Applicant:

[REDACTED]

APPLICATION:

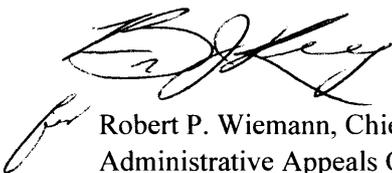
Application for Temporary Protected Status under Section 244 of the Immigration  
and Nationality Act, 8 U.S.C. § 1254

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 application for re-registration was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The case will be remanded.

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 determined that the applicant failed to submit evidence to establish that he had successfully re-registered for temporary protected status during the period July 6, 2001 to July 5, 2002. The director, therefore, denied the applicant's re-registration application.

On appeal, counsel for the applicant states that the director's denial of the TPS re-registration application was premature because the denial of the applicant's initial TPS application was not yet a final decision since an appeal had been filed. The applicant also submits a copy of a Form I-290B, Notice of Appeal to the Administrative Appeals Unit (AAU), which was signed by the applicant's representative on September 4, 2002. The original appeal form is not in the record; however, the applicant has furnished a copy of a U.S. Postal Money Order, receipt number [REDACTED], issued on September 4, 2002, in the amount of \$10.00, and payable to "INS Washington District Office (WAS)." The applicant also furnished a copy of a Track & Confirm Delivery Status notice from the U.S. Postal Service, which indicated an express mail item, [REDACTED] was delivered to the INS District Office [REDACTED] on September 5, 2002, and was signed by "INS." In addition, the applicant furnished a copy of the front and back of the aforementioned money order, which reflects that it was cashed by "Contracting Office WAS on September 8, 2002.

The case will be remanded in order for the appeal of the initial TPS application to be adjudicated. Consequently, the director's decision to deny the application will be withdrawn.

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 case is remanded for further action.