

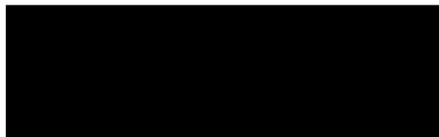
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U.S. Department of Homeland Security  
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U.S. Citizenship  
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Services

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FILE:



OFFICE: California Service Center

DATE:

MAR 01 2007

[WAC 05 226 70673]

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 California Service Center. 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 for further action.

The applicant claims to be 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 record reveals that the applicant filed his initial TPS application on August 20, 2002, under Citizenship and Immigration Services (CIS) receipt number SRC 02 251 55045. CIS records reveal that the Texas Service Center (TSC) director denied that application on June 2, 2004; however, the record of proceedings does not contain a copy of the TSC director's denial decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 14, 2005, and indicated that he was re-registering for TPS. The CSC director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. The applicant filed an appeal of that decision on September 19, 2005.

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

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

Based upon the applicant's failure to file a timely appeal, the appeal will be rejected.

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