



U.S. Citizenship
and Immigration
Services

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FILE:



Office: California Service Center

Date: NOV 07 2007

[WAC 05 095 76512]
[SRC 03 205 55099]

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, and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded.

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 application on July 14, 2003, under Citizenship and Immigration Services (CIS) receipt number SRC 03 205 22099. On October 1, 2003, the applicant was requested to submit evidence to establish his eligibility for TPS late registration. The applicant was also requested to submit evidence to establish his continuous residence in the United States since December 30, 1998. In addition, the applicant was requested to submit photo identification and evidence that he is a national of Honduras. According to CIS computer records, the Director, Texas Service Center (TSC), denied that application on March 1, 2004.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 3, 2005, and indicated that he was re-registering for TPS. The director denied this instant application on May 19, 2005.

8 C.F.R. § 244.10 provides that;

- (c) Denial by director. The decision of the director to deny Temporary Protected Status, a waiver of grounds of inadmissibility, or temporary treatment benefits shall be in writing served in person or by mail to the alien's most recent address provided to the Service and shall state the reason(s) for the denial...

Additionally, 8 C.F.R. § 103.3 provides;

- (a) Denials and appeals--

- (1) General--

- (i) Denial of application or petition. When a Service officer denies an application or petition filed under Sec. 103.2 of this part, the officer shall explain in writing the specific reasons for denial...

While the CIS computer records indicate that the TPS application was denied, the record of proceedings does not contain a written denial from the TSC director regarding the applicant's initial TPS application. Also, under 8 C.F.R. § 103.3, "the officer shall explain in writing the specific reasons for denial."

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 re-registration application is remanded for further action consistent with the director's decision on the initial application.