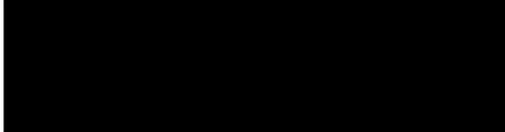




U.S. Citizenship
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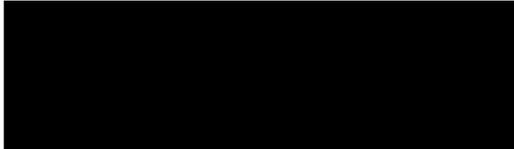
Office: California Service Center

Date: SEP 04 2007

[Appeal # WAC 05 096 73709]

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 for further consideration and action.

The applicant is stated to be a citizen of Nicaragua 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 a late initial TPS application on July 3, 2000. The director denied the application on June 10, 2005. The record does not reflect a decision on that application.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 4, 2005 under CIS receipt number WAC 05 096 73709, and indicated that he was re-registering for TPS. The Director, California Service Center, categorized the application as a new initial registration, instead of a re-registration application, and denied that application on August 15, 2006, because the applicant failed to establish that he was eligible for late initial registration for TPS.

However, as noted above, the record does not reflect a decision on the initial TPS application, filed on July 3, 2000.

The director's denial of the application will be withdrawn; the application will be remanded, and the director shall afford the applicant an opportunity to submit the evidence to establish his eligibility for TPS. The application is being remanded to the director for further adjudication. Since the initial application is being remanded, the re-registration decision will also be remanded to the director for further adjudication. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS offered to Nicaraguans.

It is also noted that the applicant was placed in proceedings, and on July 24, 1997, was granted voluntary departure until August 25, 1997, with an alternate order of deportation to Nicaragua, by an immigration judge.

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