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**U.S. Citizenship
and Immigration
Services**

M1

[REDACTED]

FILE: [REDACTED]
[SRC 01 226 4250]

OFFICE: TEXAS SERVICE CENTER

Date: **AUG 04 2008**

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 office that originally decided your case. Any further inquiry must be made to that office.

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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office, and the case will be remanded for further consideration and action.

The applicant claims to be a 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 denied the application after determining that the applicant had abandoned her application by failing to respond to a request for evidence.

If all requested initial evidence and requested additional evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. 8 C.F.R. § 103.2(b)(13). A denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen. 8 C.F.R. § 103.2(b)(15).

The record reveals that the applicant filed her TPS application on July 9, 2001 under receipt number SRC 01 226 74250. On October 21, 2002, the applicant was requested to submit additional evidence establishing her qualifying continuous residence and continuous physical presence in the United States as well as her eligibility for late registration. The director also requested that the applicant submit a photo identification card or national identity document to establish her identity and nationality. The director concluded that the applicant had not responded to the request for evidence and denied the application on January 6, 2003 for abandonment. However, the record of proceedings reveals that the request for additional evidence was returned as undeliverable as it was mailed to an incorrect address and the applicant did not receive the notice. The record reflects that on June 19, 2002, the applicant filed a new TPS application as well as a Form I-765, Application for Employment Authorization, and each application form showed her new address.

The director's denial of the application will be withdrawn; the application will be remanded for a new decision. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS offered to Hondurans.

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 case is remanded to the director, Texas Service Center, for further action consistent with the above and entry of a decision.