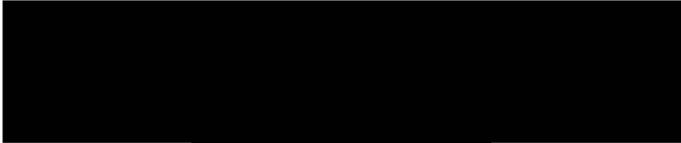


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prevent clearly unwarranted
invasion of personal privacy**

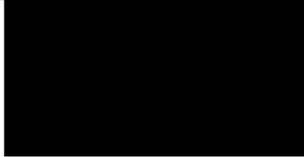


U.S. Citizenship
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FILE:



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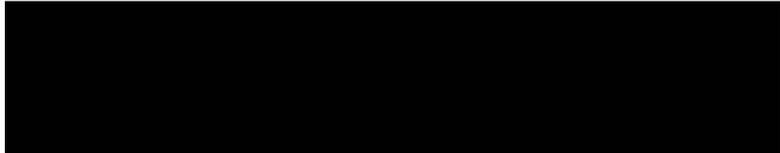
Texas Service Center

Date: MAR 25 2008

[SRC 02 202 55679]

INRE:

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 applicant's Temporary Protected Status was denied by the Director, Texas Service Center (TSC), and the case is now before the Administrative Appeals Office (AAO) on appeal. The director's decision will be withdrawn and the case will be remanded for further action.

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 denied the application because the applicant failed to establish her eligibility for TPS late registration.

A review of the record of proceedings reflects that the applicant filed the current application for TPS on June 17, 2002, as an initial registration for TPS. On June 28, 2002, the director requested the applicant to submit evidence to establish her qualifying continuous residence in the United States since December 30, 1998, and her continuous physical presence in the United States since January 5, 1999. The applicant was also requested to submit evidence to establish her eligibility for TPS late registration. On July 17, 2002, the applicant responded to the request and submitted some additional documentation. The director determined that the evidence submitted did not establish the applicant's eligibility for TPS, and therefore, denied the application on July 26, 2002.

The applicant, on appeal, states that she has been living in the United States before January 1999, and that she filed an initial TPS application on July 28, 2001. The applicant also provides copies of the following documents: the director's July 26, 2002, Notice of Intent to Deny, an employment authorization application signed on July 28, 2001, three money orders; a Notice of Intent to Deny, dated March 12, 2002, under file number [REDACTED] a DBI Tenprinter Information sheet, dated November 2, 2001, also bearing the file number [REDACTED] the current TPS application and employment authorization application signed on June 7, 2002; receipt notices dated June 18, 2002, and June 17, 2002; a church letter dated August 19, 2002.

A review of file [REDACTED] reveals that the applicant filed an application for TPS [SRC 01 251 57839] on July 30, 2001, after the initial registration period had closed. That application was approved by the director on May 10, 2002. Moreover, that record reflects that the applicant had filed an asylum application on January 27, 1989, which was terminated on June 14, 1989. In addition, that record contains a Federal Bureau of Investigation printout indicating that the applicant has a third file, under [REDACTED]

A review of **file** [REDACTED] reveals that the applicant was apprehended by the United States Border Patrol on November 4, 1999, while attempting to enter the United States illegally near Brownsville, Texas. Furthermore, the applicant stated to the agents that she left Honduras on September 30, 1999, continued to travel through Guatemala, and arrived Mexico on November 2, 1999, en route to the United States. Therefore, according to this record, it appears that the applicant could not have established her qualifying continuous residence as well as her continuous physical presence in the United States during the requisite time periods for Honduran TPS. Additionally, according to the applicant's records, it appears the applicant also does not qualify for TPS late registration since her asylum application was terminated on June 14, 1989, and the records do not reflect eligibility under any of the provisions for TPS late registration.

Therefore, the case will be remanded. The director will consider all evidence in all records pertaining to the applicant.

Further, the director shall issue a new decision that, if adverse to the applicant, shall be certified to the AAO for review. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS. 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 matter is remanded for further action.

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