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U.S. Citizenship
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FILE: [REDACTED]
[LIN 02 122 50846]

Office: Nebraska Service Center

Date: FEB 15 2005

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.

Robert P. Wiemann
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Nebraska Service Center, and the case is now before the Administrative Appeals Office on appeal. The director's decision will be withdrawn and the matter will be remanded for further action.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 approved the applicant's initial application for Temporary Protected Status (TPS). The director subsequently withdrew the applicant's Temporary Protected Status on January 13, 2003, when he determined that the applicant had failed to submit his required annual re-registration for the 2001-2002 period. However, the current record of proceedings contains only the applicant's most recent application for re-registration, filed on March 13, 2002. The record does not reflect any attempt by the director to review the applicant's initial application or any prior applications for re-registration before rendering a decision on the current application for re-registration.

The evidence contained in this file is not sufficient to support the director's decision of denial. Therefore, the case will be remanded. The director shall review all CIS records pertaining to this applicant and all files relating to this individual's TPS application history shall be consolidated into the record of proceedings before a new decision is issued. 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.