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[REDACTED]

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FILE:

[REDACTED]

OFFICE: CALIFORNIA SERVICE CENTER

DATE: **DEC 06 2006**

[WAC 05 111 73868]

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:

[REDACTED]

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 on appeal. The case will be remanded to the director for further action.

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 shows that the applicant filed the current Form I-821, Application for Temporary Protected Status, on January 12, 2005. The director denied the application on July 23, 2005, after determining that the applicant was ineligible for re-registration because the applicant's initial TPS application was denied.

On August 16, 2005, the applicant filed Form I-290B, Notice of Appeal to the Administrative Appeals Office, appealing the director's decision of July 23, 2005. She asserts that she was given her mother's CIS file number (A94 344 868); therefore, she was not fingerprinted. She requests that she be issued a new appointment for fingerprinting.

It is noted that the file contained a letter from the applicant, dated March 14, 2005, indicating that she "applied for Special Late Initial TPS registration and Re-Registration as unmarried daughter of TPS applicant." The record of proceeding, however, does not contain the Form I-821 [WAC 05 111 73868] that the applicant is now appealing. Nor does the record contain the applicant's initial TPS application and the director's notice denying the initial TPS application.

Therefore, the case is remanded for the inclusion of the re-registration application, the initial application, the director's decision denying the initial application, and any other necessary documentation into the record of proceeding. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS. Additionally, the outcome of this case is dependent on the case relating to the applicant's mother (Juana Canales, file number A94 344 868).

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 for further action consistent with the above.