

U.S. Department of Homeland Security
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Washington, DC 20529

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

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MJ

FILE:

Office: California Service Center

Date: **APR 17 2008**

[WAC 05 090 84808]

[WAC 05218 52131-appeal]

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 California Service Center. Any further inquiry must be made to that office.

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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The re-registration application was denied by the Director, California Service Center (CSC), and is now before the Administrative Appeals Office (AAO) on appeal. 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 record reveals that the applicant filed her initial application [LIN 01 23851176] on August 2, 2001, after the initial registration period had closed.

The applicant filed a subsequent Form 1-821, Application for Temporary Protected Status, July 25, 2002. The Nebraska Service Center (NSC) director denied that application [LIN 02 249 50050] on February 25, 2003, because the applicant failed to establish her qualifying continuous residence and continuous physical presence in the United States during the requisite time periods for Honduran TPS. On March 12, 2003, the applicant filed an appeal to the NSC director's decision, which is being dismissed by the AAO under separate cover.

The applicant filed the current re-registration application on December 26, 2004. The CSC director denied this application because the applicant had not been granted TPS, and therefore, she is not eligible to re-register for TPS.

On appeal, the applicant states that she came to the United States in January 1998, and she submits additional documentation.

A review of the record of proceedings reflects that the director has not issued a final decision on the applicant's initial TPS application filed under receipt number LIN 01 238 51176. The denial of the current TPS re-registration application is dependent on the adjudication of the initial TPS application. Therefore, the case will be remanded and the director shall consider counsel's response in the issuance of a new decision.

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 entry of a decision on the initial application.