



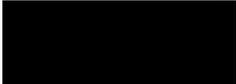
U.S. Citizenship
and Immigration
Services

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FILE:  OFFICE: CALIFORNIA SERVICE CENTER DATE: OCT 31 2005
[WAC 03 186 52725]

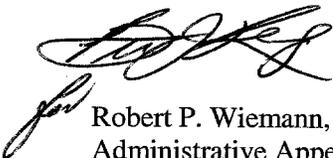
IN RE: Applicant: 

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, Director
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 The director's decision will be withdrawn, and the case will be remanded for further action.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 current application, filed on May 23, 2003, after determining that the applicant had failed to establish that he was eligible for late registration.

The record shows that the applicant filed an initial application on February 18, 1999 (WAC 99 122 52125, File A94 290 132). In an undated decision, the director denied this application due to abandonment. The applicant filed a motion to reopen the director's decision. Form I-797C, Notice of Action, dated March 5, 2002, shows that the motion to reopen was received on February 14, 2002. It appears from the record that this motion is pending.

The record does not reflect that the director reviewed the applicant's prior application(s) before a decision was rendered on the current application.

The evidence contained in the record of proceeding is not sufficient to support the director's decision of denial. Therefore, the case will be remanded so that the director could review all CIS records pertaining to this applicant. 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 case is remanded for further action consistent with the above and entry of a decision.