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U.S. Department of Homeland Security
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U.S. Citizenship
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Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **SEP 06 2006**

[WAC 05 084 75448]

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

for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center (CSC), and is now before the Administrative Appeals Office on appeal. The appeal will be remanded.

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 a Form I-821, Application for Temporary Protected Status, after the initial registration period under Citizenship and Immigration Services (CIS) receipt number SRC 02 115 54013. The director denied that application on October 11, 2002, after determining that the applicant had abandoned her application by failing to respond to a request for evidence. The director accepted the applicant's response to the October 11, 2002 denial as an appeal instead of a motion to reopen and forwarded the file to the AAO. However, as the director's decision was based on abandonment, the AAO had no jurisdiction over the case and it was remanded to the CSC director to consider the applicant's response as a motion to reopen.

The applicant filed the current Form I-821, on December 23, 2004, and indicated that she was re-registering for TPS.

As no decision has been made concerning the motion to reopen that was recently remanded to the CSC director, the determination concerning her December 23, 2004 re-registration application is withdrawn.

An alien applying for temporary protected status has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act.

ORDER: The denial of the re-registration application [WAC 05 084 75448], is withdrawn. The case is remanded to the director for the entry of a new determination.