

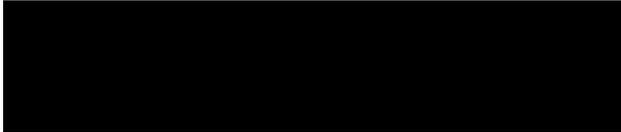


U.S. Citizenship
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Services

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER
[WAC 05 084 75664]

AUG 04 2006
Date:

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.

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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, California Service Center. A subsequent application for re-registration was denied by the Director, California Service Center, and is currently before the Administrative Appeals Office (AAO) on appeal. The case will be remanded for further consideration and action.

The applicant claims to be a 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 applicant filed an initial application for TPS during the initial registration period under receipt number WAC 99 199 51038. The applicant's fingerprint results report revealed two arrests in 1999. The director denied the initial application due to abandonment on December 7, 2000, because the applicant failed to provide the final court dispositions of his arrests in response to a Notice of Intent to Deny dated July 20, 2000. The director erroneously informed the applicant that he could file an appeal from the denial decision. On January 8, 2001, the applicant filed an appeal from the denial decision. As the director's decision was based on abandonment, the AAO has no jurisdiction over the initial denial decision. Therefore, the initial denial decision has been remanded, and the director has been instructed to consider the applicant's response to the denial decision as a motion to reopen.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 23, 2004, and indicated that he was re-registering for TPS or renewing his temporary treatment benefits.

On appeal, the applicant submits a statement and additional evidence. Although a Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted, the individual named is not authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

The applicant's response to the denial of his initial TPS application has been remanded to the director for consideration as a motion to reopen. The director's denial of the current re-registration application or renewal of temporary treatment benefits is dependent upon the adjudication of the initial application. Since the initial application has been remanded, the current denial decision will be also remanded to the director for further adjudication. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS offered to Salvadorans.

It is noted that the applicant, to date, has not provided court documents revealing the final court dispositions of his arrests. He has also failed to submit sufficient evidence to establish his identity and nationality as described at 8 C.F.R. § 244.9(a)(1).

It is further noted that the record contains an outstanding warrant of removal issued by the District Director, Los Angeles, California, on June 29, 1995.

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 initial application is reopened, the director's decision is withdrawn, and the application is remanded for a new decision. The re-registration application is remanded for further action consistent with the director's new decision on the initial application.