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FILE:



[SRC 99 187 53735]
[WAC 05 085 72858]

Office: CALIFORNIA SERVICE CENTER

DEC 06 2006
Date:

IN RE: Applicant: CRISTIAN RENE LORENZO

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, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Texas Service Center (TSC). 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 initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office, and the case will be remanded for further consideration and 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 applicant filed his initial TPS application on June 1, 1999, under CIS receipt number SRC 99 187 53735. On February 13, 2002, the TSC director requested the applicant to submit additional evidence. The record also reveals that on February 21, 2002, the applicant was requested to appear for his fingerprint appointment. The TSC director determined that the applicant failed to appear for his fingerprint appointment and therefore, denied the application on August 23, 2002, due to abandonment. On October 31, 2003, the applicant filed a motion to reopen which was rejected by the TSC director on January 24, 2004, because it was filed after the prescribed time frame.

The applicant filed the Form I-821, Application for Temporary Protected Status, as a re-registration on December 24, 2004.

On appeal, the applicant states that he had previously filed a motion to reopen and that he had never received any notice from the Service. The applicant also states that he re-registered for TPS.

A review of the record reflects that the director's February 13, 2002, request for evidence and fingerprint notice dated February 21, 2002, were sent to [REDACTED]. According to the record, the applicant indicated a new address at [REDACTED] on his TPS re-registration [SRC 01 238 57082] filed on June 6, 2001. It appears that the director erred in sending the notices to the applicant's former address at [REDACTED].

The director's denial of the initial application will be withdrawn; the application will be remanded for a new decision. The director's denial of the application for re-registration or renewal is dependent upon the adjudication of the initial application. Since the initial application is being remanded, that decision will be 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 Hondurans.

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.