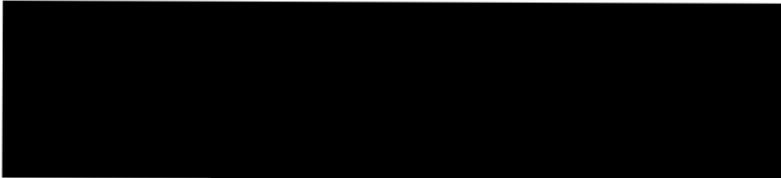


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invasion of personal privacy



U.S. Citizenship
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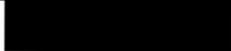
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FILE:



Office: CALIFORNIA SERVICE CENTER

DATE:

[SRC 99 217 50099]

[WAC 05 105 76612]

IN RE:

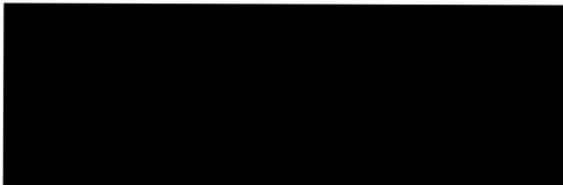
Applicant:



APPLICATION:

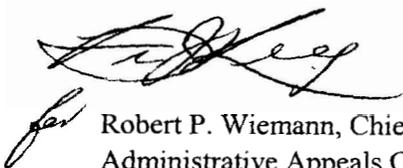
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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.



Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Texas 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 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 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 under receipt number SRC 99 217 50099. The Vermont Service Center director denied the initial application on October 22, 2002, after determining that the applicant had abandoned his application by failing to be fingerprinted. However, the record of proceedings reveals that the director's decision was in error. Specifically, the record reveals that the request for evidence, dated February 21, 2002, and the notice of decision, dated October 22, 2002, were sent to "[REDACTED] GA," the address on the applicant's initial TPS application. However, the applicant filed re-registration applications on June 9, 2000, July 26, 2001, and June 14, 2002, which included updated addresses.

Since the request for evidence and notice of decision were not sent to the applicant's last known address, the director's denial of the initial application will be withdrawn, and the application will be remanded for a new decision. The California Service Center 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.

It is noted that the applicant was arrested on October 18, 2002, for hindering apprehension, and on December 20, 2004, for exhibiting a false document as an ID and tampering with public records. It does not appear that the final court dispositions have been submitted; therefore, the applicant should provide the final court dispositions regarding these arrests.

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.