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**U.S. Citizenship  
and Immigration  
Services**

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FILE:

[WAC 05 053 72285]

Office: CALIFORNIA SERVICE CENTER

Date: **DEC 29 2006**

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 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 approved by the Director, Texas Service Center. A subsequent application for re-registration or renewal of temporary treatment benefits was denied by the Director, California Service Center (CSC), and is currently before the Administrative Appeals Office (AAO) on appeal. The decision to deny the application for re-registration or renewal of temporary treatment benefits will be withdrawn, and the case will be remanded to the director of the CSC for further consideration and action.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 record reveals that the applicant filed a first Form I-821, Application for Temporary Protected Status, on June 29, 1999, during the initial registration period (EAC 99 210 52636 relates). On September 5, 2002, that applicant was approved.

The applicant filed the current Form I-821 on November 22, 2004, and indicated that he was re-registering for TPS or renewing his temporary treatment benefits. The director of the CSC denied the application on July 23, 2005, on the basis that the applicant's prior TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS or renewal. Since the basis for denial of the application for re-registration or renewal of temporary treatment benefits was in error, the decision will be withdrawn, and the case will be remanded for further consideration and action. The director of the CSC 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 as a result of being fingerprinted in connection with this application, CIS received a report from the Federal Bureau of Investigation (FBI) indicating that the applicant has been charged with the following offenses in Miami, Florida:

1. Fraud and Larceny/Grand Theft 3rd Degree on December 1, 2003;
2. Hit and Run - Leaving the Scene of an Accident/Property Damage, and Hit and Run - Leaving the Scene of a Crash Injury on December 30, 2003;
3. Criminal Registration - Grand Theft 3rd Degree False INS Claims on June 8, 2004; and,
4. Hit and Run - PW Leaving Scene of Crash Injury on April 18, 2005.

In any future proceedings before CIS, the applicant must submit evidence of the final court dispositions of these and any other charges against him.

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 application is remanded for further consideration and action.