



U.S. Citizenship
and Immigration
Services

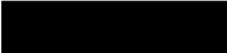
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invasion of personal privacy**

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: NOV 27 2006

[WAC 05 104 74568]
[SRC 99 235 54495]

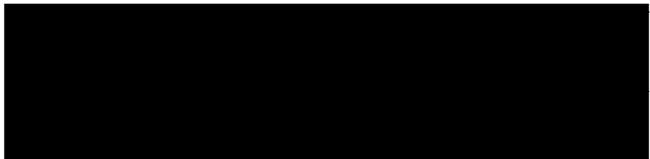
IN RE:

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 (TSC). 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 on appeal. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office (AAO), and 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 a first Form I-821, Application for Temporary Protected Status, with the TSC on July 30, 1999, during the initial registration period (SRC 99 235 54495 relates). On March 4, 2002, the director of the TSC requested the applicant to submit evidence to establish his qualifying continuous residence and continuous physical presence in the United States during the requisite time periods. Although not relevant, the director also requested the applicant to submit evidence to establish his eligibility for late registration. The record reflects that the applicant failed to respond to the director's request. On April 17, 2003 director denied the application due to abandonment, on the basis that the applicant had failed to respond to a request for court dispositions of his various convictions. However, the record did not, in fact, contain any indication that the applicant had ever been arrested, and the applicant had never previously been requested to submit such evidence.

The TSC director's denial of the initial application will be withdrawn, and the application will be remanded for a new decision. Since the director of the CSC's denial of the application for re-registration or renewal of temporary treatment benefits is dependent upon the adjudication of the initial application, the decision to deny the application for re-registration or renewal of temporary treatment benefits will also be remanded for further adjudication. 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.

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 application for re-registration or renewal of temporary treatment benefits is remanded for further action consistent with the director's new decision on the initial application.