



U.S. Citizenship  
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Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

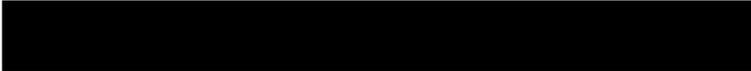
Date: **OCT 27 2006**

[SRC 99 199 54951]

[WAC 05 098 74743]

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:

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 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 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 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 record reveals that the applicant filed a first Form I-821, Application for Temporary Protected Status, with the Texas Service Center (TSC) on August 18, 2000, after the initial registration period had ended (SRC 99 199 54951 relates). That application was denied due to abandonment on May 30, 2002, because the applicant failed to respond to a request for evidence to establish his eligibility for late registration, and his qualifying continuous residence and continuous physical presence in the United States during the requisite time periods. However, the record of proceedings reveals that the director's decision was in error. Specifically, the record reveals that the request for evidence, as well as the denial of the application, were mailed to the applicant at the wrong address and were returned as undeliverable.<sup>1</sup>

Therefore, the TSC director's denial of the initial application will be withdrawn, and the application will be remanded for a new decision. Since the CSC director's denial of the application for re-registration or renewal is dependent upon the adjudication of the initial application, and the initial application is being remanded, the denial of the application for re-registration or renewal will also 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.

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<sup>1</sup> It is noted that the director states in the notice of denial that the request for evidence was forwarded to the applicant on February 8, 2002. Although the envelope in which the request was mailed is contained in the record, the request itself is missing.