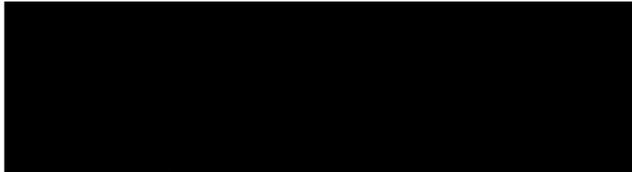


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prevent clearly unwarranted
invasion of personal privacy**



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

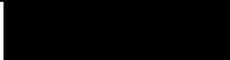
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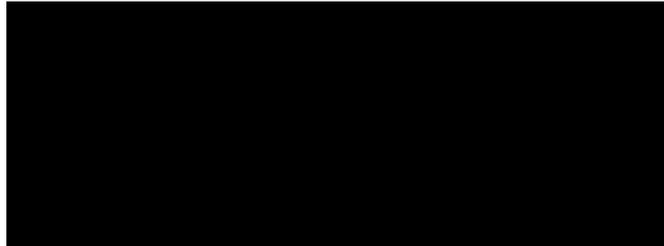
Office: CALIFORNIA SERVICE CENTER

Date:

[EAC 99 134 50074]
[WAC 05 077 72665]

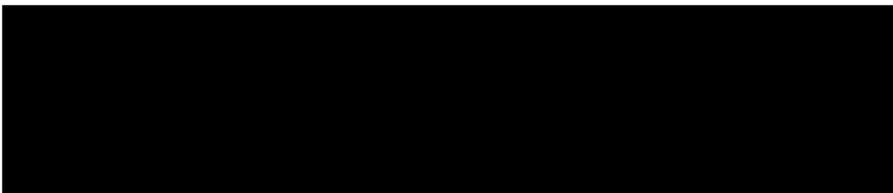
IN RE:

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, Vermont 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 EAC 99 134 50074. The Director, Vermont Service Center, denied the initial application on August 10, 2000, noting that the applicant had been convicted of a felony or two or more misdemeanors, to wit, possession of fictitious identification.

The applicant submitted a TPS application on December 16, 2004 in which he indicated that he was applying for re-registration. The director denied the re-registration application on September 13, 2005, noting that the applicant was not eligible for re-registration because he had never been granted TPS status. However, the record of proceedings reveals that the director's initial decision, dated August 10, 2000, was in error. Specifically, the record reveals that the applicant submitted a copy of the final court disposition in his criminal case that showed he had been convicted of one count of class 2 misdemeanor; Possession of a Fictitious Identification Card (Code of Virginia § 18.2-204.2) on July 20, 1999. While the FBI criminal history shows another arrest, the record does not reflect that the applicant was ever asked to submit documentation for that charge.

The initial application will be remanded for a new decision in accordance with the AAO's findings. 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.

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 and the application is remanded for a decision. The re-registration application is remanded for further action consistent with the director's new decision on the initial application.