

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



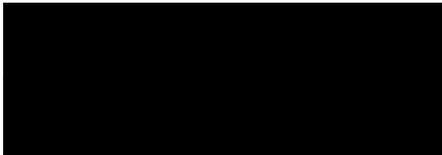
M1

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: **SEP 06 2006**
[WAC 05 049 70212]

IN RE: Applicant: [REDACTED]

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.

Cindy M. Gomez

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center, and the matter is now before the Administrative Appeals Unit (AAO) on appeal. The matter will be remanded to the California Service Center for further consideration and action.

The applicant is a native and 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 initially filed a Form I-821, Application for Temporary Protected Status, with the California Service Center on April 28, 1999, under CIS receipt number WAC 99 158 52964. She filed a second Form I-821 with the Texas Service Center on July 1, 1999, under CIS receipt number SRC 99 215 51837.

Since the applicant had moved to Orlando, Florida, and was under the jurisdiction of the Texas Service Center when she filed her second Form I-821 with the Texas Service Center on July 1, 1999, the Director of the California Service Center administratively terminated the applicant's first Form I-821, filed under receipt number WAC 99 158 52964, on June 19, 2000.

The Director of the Nebraska Service Center denied the applicant's second TPS application, initially filed with the Texas Service Center under receipt number SRC 99 215 51837, on March 22, 2004, because the applicant failed to establish her qualifying continuous residence and continuous physical presence in the United States during the requisite time frames. On April 15, 2004, the applicant filed an appeal from the denial decision. The Chief of the AAO has remanded the case to the California Service Center for review of all records pertaining to the applicant and issuance of a new decision.

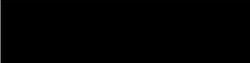
The applicant filed the current Form I-821, Application for Temporary Protected Status, on November 18, 2004, and indicated that she was re-registering for TPS or renewing her temporary treatment benefits.

The Director of the California Service Center denied the application on July 23, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration or renewal of her temporary treatment benefits.

Since the initial denial decision has been remanded, the denial of the current re-registration application will also be remanded to the California Service Center pending the issuance of a new decision.

It is noted that the record contains a Federal Bureau of Investigation (FBI) fingerprint results report indicating that the applicant has previously been deported from the United States on March 21, 1989, under record, [REDACTED]. The report also indicates that the applicant was arrested in Willmar, Minnesota, on October 6, 2000, under the name [REDACTED] and charged with "theft by shoplifting." The director shall provide the applicant with an opportunity to provide the final court disposition of this arrest.

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 director's decision is withdrawn. The matter is remanded for further action.