



U.S. Citizenship
and Immigration
Services

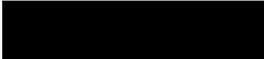
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FILE:



Office: California Service Center

Date:

SEP 06 2006

[WAC 05 099 79939]

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.

Cindy M. Gomez for
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded.

The applicant claims to be 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 record reveals that the applicant filed his initial application on February 25, 2002, under Citizenship and Immigration Services (CIS) receipt number SRC 02 112 55556. The Director, Texas Service Center, denied that application on October 8, 2002, due to abandonment because the applicant failed to respond to the director's March 25, 2002 request for evidence.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 7, 2005, and indicated that he was re-registering for TPS. The director denied this instant application on July 23, 2005.

On appeal, the applicant asserts his eligibility for TPS and submits evidence in support of his claim.

A review of the record of proceedings reflects that the director sent the March 25, 2002 request for evidence and notice of denial dated October 8, 2002, to an incorrect address of [REDACTED] as indicated by the applicant on his application.

Therefore, the case will be remanded and the director shall consider applicant's response in the issuance of a new decision.

Although not addressed by the director, the record of proceedings contains the Federal Bureau of Investigation fingerprint results report reflecting that the applicant was arrested by the Libertyville, Illinois, Police Department, on June 9, 1997, and charged with the offense of theft of over \$300 in value, under the alias of Andres Colon-Torres, a Mexican citizen and national. CIS must address this arrest and/or conviction in any future decisions or proceedings.

It also is noted that the applicant has provided insufficient evidence to establish that he is a national or citizen of Honduras. 8 C.F.R. § 244.9, states that each application for TPS must be accompanied by evidence of the applicant's identity and nationality. The applicant has provided a copy of his birth certificate; however, pursuant to 8 C.F.R. § 244.2(a)(1), the applicant must also provide photo identification. In addition, the applicant has failed to provide an English translation of his birth certificate.

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 case is remanded to the director for entry of a new decision.