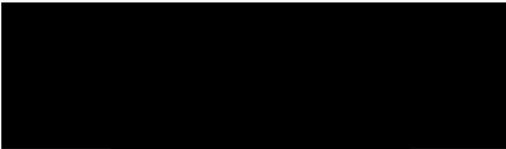


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prevent clearly unwarranted
invasion of personal privacy**



**U.S. Citizenship
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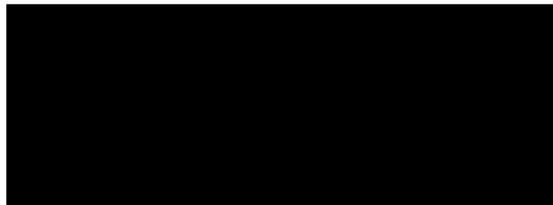
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FILE: [REDACTED]
[WAC 05 099 81079]

Office: CALIFORNIA SERVICE CENTER

Date: **SEP 11 2006**

IN RE: Applicant:

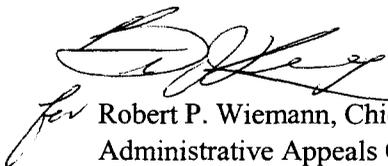


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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.


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, California 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 stated 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 an initial application for TPS on April 14, 1999, under receipt number WAC 99 152 51573. The director denied the initial application on August 20, 2001, after determining that the applicant had abandoned his application by failing to appear for an interview.

However, the record of proceedings reveals that the director's decision was in error. The record reveals that the applicant's initial TPS application was not approved; however, he applied for re-registration and employment authorization on June 6, 2000, July 9, 2001, July 2, 2002, August 10, 2003, and January 7, 2005. In the applicant's Application for Employment Authorization (Form I-765), filed on June 6, 2000, he provided an address of "[REDACTED] Los Angeles, CA." On July 28, 2000, an interview notice was sent to the applicant at "[REDACTED] Inglewood, CA." The record does not reflect that a Notice to Deny was sent to the applicant.

In his appeal, the applicant states that he never received an interview notice or a notice regarding his ineligibility for TPS. It is noted that the interview notice was not sent to the applicant's last known address of "[REDACTED] Los Angeles, CA," which he provided on June 6, 2000. Therefore, the director's decision on the initial application will be withdrawn and the application will be remanded for a new decision. The director's denial of the application for re-registration 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 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.

It is noted that the applicant's Federal Bureau of Investigation (FBI) results show that the applicant was arrested on August 16, 1996 and May 18, 2004. Since the actual court disposition for these offenses were not provided, the outcome of these charges is unknown. CIS must address these arrests and any convictions in any future proceedings.

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.