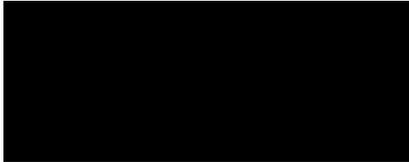


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SEP 25 2006

FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

[SRC 99 194 53321]

[WAC 05 049 72283]

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 California Service Center. Any further inquiry must be made to that office.

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

DISCUSSION: The initial application was denied by the Director, Miami District Office, Tampa, Florida, sub-office. 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 SRC 99 194 53321. The director denied the initial application on October 23, 2000, 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. Specifically, the record reveals that the applicant submitted a change of address to CIS on September 3, 1999. He received the June 19, 2000 transfer notice to his updated address in Bradenton, Florida; however, the interview notice, dated September 6, 2000, and TPS denial notice, dated October 24, 2000, were sent to his old address in Palmetto, Florida.

Therefore, the director's denial of the initial application will be withdrawn, and the application will be remanded for a new decision.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 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 offered to Hondurans.

It is noted that the applicant was arrested by the Metro-Dade Police Department, Florida, and charged with a "DUI" traffic offense on April 26, 1997. The applicant should provide the final court disposition regarding 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 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.