

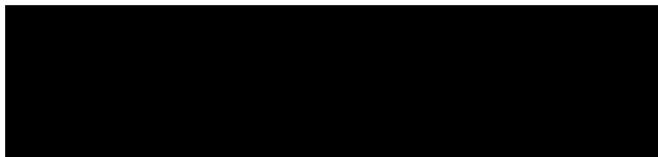
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FILE:



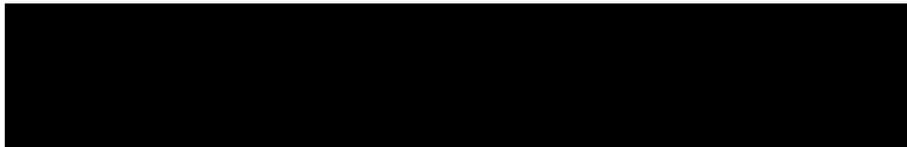
Office: CALIFORNIA SERVICE CENTER

Date: **SEP 26 2006**

[WAC 99 155 50233]
[SRC 03 199 55041]
[WAC 05 070 72960]

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, California Service Center. A subsequent application was denied by the Director, Texas Service Center (TSC). A subsequent application for re-registration was then denied by the Director, California Service Center (CSC), 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 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 filed an application for TPS during the initial registration period with the Immigration and Naturalization Service, now Citizenship and Immigration Services (CIS) under receipt number WAC 99 155 50233. The CSC Director denied the initial application on December 5, 2002, after determining that the applicant had abandoned her application by failing to appear for fingerprinting. However, the record reveals that the Fingerprint Notification and the denial letter were mailed to her prior address in Las Vegas, Nevada, although the applicant had provided her new address in North Carolina on her applications for extension of temporary treatment benefits filed on June 28, 2001, and on July 5, 2002. In addition, the record reveals that the applicant was subsequently fingerprinted. The Federal Bureau of Investigation (FBI) criminal history printouts dated February 3, 2005, and March 31, 2006, indicate that the applicant has criminal charge(s) associated with her record.

Because the fingerprint notification and the denial decision were mailed to an incorrect address, the denial due to abandonment was made in error. Therefore, the denial of the initial application will be withdrawn; the application will be remanded for a new decision, addressing relevant issues, including the charges appearing on the applicant's fingerprint results report. The FBI report indicates the following offenses:

- 1) On April 7, 1994, the applicant was arrested by the Police Department, Los Angeles, California, and was charged with "Charge 1- 001 Count of Burglary;" and,
- 2) Supplemental court data, Municipal Court Metro Los Angeles, reflects a conviction on a plea to another charge "PC-THEFT."

The applicant filed another application for TPS with CIS under receipt number SRC 03 199 55041. The TSC director denied this application due to abandonment. It is noted that the letter denying employment authorization and the letter denying TPS, although both dated April 7, 2004, were mailed to two different addresses, with the letter denying TPS being mailed to an incorrect address. Therefore, this decision also shall be withdrawn.

The latest 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, this decision will also be withdrawn and 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.

ORDER: The initial application is reopened, the director's decision is withdrawn, and the application is remanded for a new decision. The subsequent re-registration applications are remanded for further action consistent with the director's new decision on the initial application.