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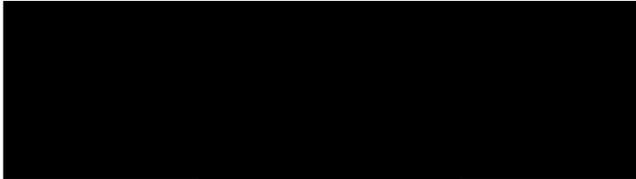
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: AUG 15 2007
[SRC 99 153 52638]

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:
[REDACTED]

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was approved by the Director, Texas Service Center. The applicant's Temporary Protected Status (TPS) was withdrawn by the Director, California Service Center (CSC), and is now before the Administrative Appeals Office, (AAO), on appeal. The case will be remanded for further consideration and action.

The applicant is stated to be 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.

An alien who has been granted TPS must register annually with the district office or service center having jurisdiction over the alien's place of residence. 8 C.F.R. § 244.17(a).

TPS shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner specified by the Attorney General. Section 244(c)(3)(c) INA.

The record reveals that on July 1, 2000, the director approved the application for Temporary Protected Status.

The CSC Director noted that the applicant had failed to respond to a Notice of Intent to Withdraw TPS dated October 11, 2005, requiring her to submit a final court disposition for her arrest on January 8, 2003, by the Morehead City, North Carolina, Police Department. The CSC Director denied the re-registration application after determining that the applicant had failed to comply with the request and withdrew TPS because the applicant had failed to comply with re-registration requirements.

The applicant's Federal Bureau of Investigation (FBI) fingerprint results report reflects that on January 8, 2003, she was arrested and charged with larceny by an anti-inventory device, a felony, and felony conspiracy to commit larceny using an anti-inventory device. On appeal, the applicant submits a court disposition from the Clerk of the Superior Court in Carteret County of the State of North Carolina reflecting that she pled guilty and a Judge convicted her of one misdemeanor for "shoplifting concealment goods" based upon her January 8, 2003 arrest under File Number [REDACTED]. By providing the court disposition on appeal, the applicant has overcome the CSC Director's reason for withdrawing the applicant's TPS.

However, there is another issue in this case. The applicant has provided insufficient evidence to establish that she is a national or citizen of Honduras. Although she has provided a copy of her purported birth certificate along with an English translation, a birth certificate alone does not establish nationality. The record does not contain any photo identification such as a passport or national identity document. 8 C.F.R. § 244.2(a) and § 244.9(a)(1). The matter shall be remanded to the CSC Director to resolve this issue following the regulations at 8 C.F.R. 244.9(a)(1).

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 CSC Director for further action consistent with the above and entry of a decision.