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U.S. Citizenship  
and Immigration  
Services

M<sub>1</sub>

[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date:

DEC 07 2007

[SRC 99 233 50703]

[WAC 05 103 71194]

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 initially denied and later approved by the Director, Texas Service Center (TSC). A subsequent application for re-registration was 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, AAO, and the case will be remanded for further consideration and action.

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 applicant filed an initial Form I-821, Application for Temporary Protected Status, which was denied by the director on September 16, 2003, after the TSC Director determined the applicant had failed to submitted requested court documentation relating to her criminal record. The applicant submitted a subsequent TPS application on April 30, 2004 under receipt number SRC 04 148 54852. The TSC Director denied that application on July 20, 2004, because the applicant failed to respond to a request for evidence to establish her eligibility to file for late initial registration and because the applicant failed to provide certified court dispositions for all arrests. On August 19, 2004, the applicant filed a motion to reopen the denial decision. On August 25, 2004, the TSC Director granted the applicant TPS.

The applicant filed a subsequent Form I-821 on June 8, 2006, and indicated that she was re-registering for TPS.

The CSC Director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

The CSC Director's decision was in error because the applicant's TPS application had been approved on motion on August 25, 2004. Therefore, the applicant had been granted TPS and was eligible for re-registration.

Although not addressed by the director, the applicant has provided insufficient evidence to establish that she is a national or citizen of Honduras. The record does not contain any photo identification such as a passport or national identity document to establish her nationality. 8 C.F.R. § 244.2(a) and § 244.9(a)(1).

The approval of the initial application will be withdrawn; 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, the current decision will also be remanded to the director for further review pursuant to the new decision on the initial application. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS.

An alien applying for temporary protected status has the burden of proving that he or she meets the requirements cited above and is otherwise eligible under the provisions of section 244 of the Act.

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