

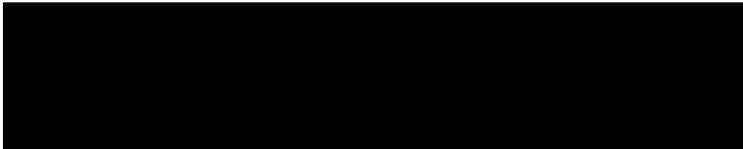
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
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U.S. Citizenship
and Immigration
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

JAN 19 2007
Date:

[WAC 05 104 84607]

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.

A handwritten signature in cursive script, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for re-registration was denied by the Director, California Service Center, and is currently before the Administrative Appeals Office (AAO) on appeal. The case will be remanded for further consideration and action.

The applicant claims 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 his initial TPS application with Citizenship and Immigration Services (CIS) on August 13, 2003, under receipt number WAC 03 259 52285. The director denied the initial application on February 27, 2004, after determining that the applicant had abandoned his application by failing to respond to a request for evidence. On March 23, 2004, the applicant filed a motion to reopen the case. As of the date of this decision, the motion to reopen is still pending.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 12, 2005, and indicated that he was re-registering for TPS or renewing his temporary treatment benefits.

Since no final decision has been issued on the applicant's motion to reopen his initial TPS application, the director incorrectly denied the re-registration application on April 24, 2006, because he found that the applicant's initial application had been denied and the applicant was not eligible for re-registration or renewal of his temporary treatment benefits.

The director's denial of the current re-registration application is dependent upon the adjudication of the initial application. Since the applicant's motion to reopen his initial TPS application is still pending, the case is remanded for adjudication of the motion to reopen and issuance of a new decision on the re-registration application.

It is noted that the applicant has not submitted sufficient credible evidence to establish his identity and nationality, his eligibility for late initial registration, or his qualifying continuous residence and continuous physical presence in the United States during the requisite periods.

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 re-registration application is remanded for further action consistent with the director's decision on the applicant's motion to reopen his initial TPS application.