



U.S. Citizenship  
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Services

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FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE: **JAN 24 2007**  
[WAC 05 221 50126, appeal]  
[WAC 05 089 76086]

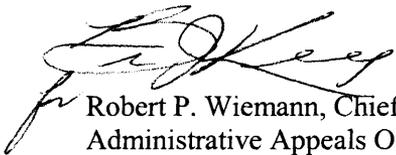
IN RE: Applicant: [REDACTED]

APPLICATION: Application for Temporary Protected Status under Section 244 of the  
Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT: 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.

  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The case will be remanded to the director for further 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 record indicates that the applicant filed a TPS application during the initial registration period on January 10, 1999, under Citizenship and Immigration Services (CIS) receipt number SRC 99 117 51583. The director denied that application on December 21, 2000, after determining that the applicant had failed to respond to his Notice of Intent to Deny (NOID) dated April 5, 2000, to submit the final court disposition of all his arrests listed in the Federal Bureau of Investigation (FBI) fingerprint results report (arrested on August 5, 1990, in Fremont, Ohio, for carrying concealed weapon; and arrested on October 16, 1999, in Hillsborough County, Florida, for aggravated battery). It is noted that the applicant submitted evidence to show that he did respond to the NOID on June 6, 2000; however, that response is not included in the record of proceeding.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 28, 2004. On August 8, 2005, the applicant filed Form I-290B, Notice of Appeal to the Administrative Appeals Unit, appealing the director's decision of July 23, 2005. However, the specific reason for the denial is not known as the director's notice of denial is not contained in the record of proceeding.

Therefore, the case is remanded for the inclusion of the director's decision and any other necessary documentation into the record of proceeding. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS.

It is noted that the FBI report dated April 4, 2006, indicates that the applicant was again arrested on November 12, 2005, in Hillsborough, Florida, for Count 1, "attaching tag not assigned," and Count 2, "driving under the influence."

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 case is remanded to the director for further action consistent with the above.