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U.S. Department of Homeland Security  
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U.S. Citizenship  
and Immigration  
Services

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*M*

[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

MAY 03 2007

Date:

[WAC 05 104 78345 as it relates to SRC 99 159 51817]

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 office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial application was denied 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, 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 director denied the current application after determining that the applicant's initial TPS application had been denied on August 26, 2002, and the applicant was therefore not eligible to apply for re-registration under TPS.

The record reveals that the applicant filed a first Form I-821, Application for Temporary Protected Status on April 26, 1999, under Citizenship and Immigration Services (CIS) receipt number SRC 99 159 51817. The application was denied by the TSC director on August 26, 2002, due to abandonment because the applicant failed to appear for a fingerprinting appointment.

However, the record of proceedings reveals that the director's decision was in error. Specifically, the record reveals that the Notice of Decision was mailed to the wrong address. The decision was mailed to [REDACTED], San Benito, Texas 78586, on August 26, 2002. However, the applicant submitted an application on May 12, 2002, to extend her TPS through her counsel at that time, [REDACTED] of [REDACTED] Quincy, Florida 32351. The applicant also indicated a new mailing address on her TPS application at [REDACTED] Tallahassee, Florida 32303.

The director's denial of the initial application will be remanded for issuance of 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 decision on the re-registration application will also 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.

It is noted that the applicant's correct file number is [REDACTED] and not [REDACTED] as indicated in her TPS application.

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 re-registration application is remanded for further action consistent with the director's new decision on the initial application.