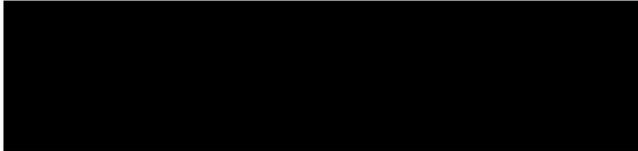




U.S. Citizenship
and Immigration
Services

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prevent clearly unwarranted
invasion of personal privacy



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FILE:



OFFICE: CALIFORNIA SERVICE CENTER

DATE: OCT 02 2007

[WAC 05 102 75250]

IN RE:

Applicant:



APPLICATION:

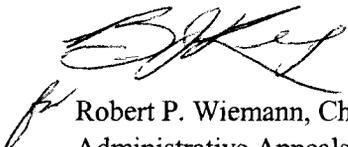
Application for Temporary Protected Status under Section 244 of the Immigration
and Nationality Act, 8 U.S.C. § 1254

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 California Service Center. Any further inquiry must be made to that office.


for Robert P. Wiemann, Chief
Administrative Appeals Office

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

The applicant is a native and citizen of Honduras who was granted Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254, on January 31, 2000, under receipt number EAC 99 200 50845. The Director, Vermont Service Center (VSC), subsequently withdrew the applicant's TPS on January 3, 2003, after determining that the applicant had failed to respond to a request to submit evidence that he had re-registered for TPS during the re-registration period of July 6, 2001 to July 5, 2002. The applicant appealed the VSC director's decision to the AAO on February 5, 2003.

The record indicates that during the pendency of Form I-290B, Notice of Appeal to the Administrative Appeals Office, filed on February 5, 2003, the applicant filed the current application on January 10, 2005 [receipt number WAC 05 102 75250], and indicated that he was re-registering for TPS. The CSC director denied the re-registration application on July 23, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. The applicant appealed this decision of the director on August 25, 2005.

It is noted that on August 8, 2003, the applicant filed a TPS application, under receipt number EAC 03 241 54168, and indicated that it was his "first application to register for Temporary Protected Status." The VSC director denied that application on December 20, 2006, because the applicant had failed to respond to a request dated October 1, 2003, to submit evidence to establish that he was eligible for late registration, and that he had continuously resided in the United States since December 30, 1998, and had been continuously physically present from January 5, 1999, to the date of filing the application. Although the applicant was advised that he could appeal the VSC director's decision within 30 days of the decision, the record does not contain evidence that the applicant filed a Form I-290B.

As noted above, the applicant appealed the initial TPS application [receipt number EAC 99 200 50845], and that appeal must be concluded before a decision is made on the applicant's re-registration application [WAC 05 102 75250]. The AAO remanded that case to the VSC director after determining that the applicant had not "willfully" failed to re-register for TPS, but that the Federal Bureau of Investigation fingerprint results report indicates that the applicant has a record of arrest in New Jersey (for receiving stolen property and for dealing in stolen property), and to accord the applicant the opportunity to submit arrest reports and the court's final dispositions of all of his arrests.

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 has been remanded, the director's decision to deny the re-registration application will be withdrawn, and the case will 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.

Although a Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted, neither the individual nor the organization named is authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

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 director's decision is withdrawn. The case is remanded for further action.