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

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FILE:



OFFICE: CALIFORNIA SERVICE CENTER

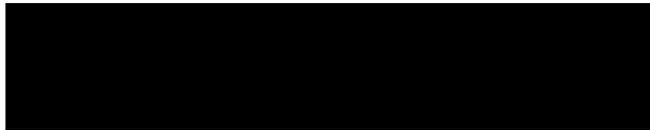
DATE: OCT 24 2007

[WAC 05 076 76703]

[WAC 99 219 51538]

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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The initial application was denied by the Director, California Service Center. A subsequent application for re-registration was denied by the Director, California Service Center, 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 record reveals that the applicant filed a TPS application during the initial registration period on August 5, 1999, under receipt number WAC 99 219 51538. The director denied that application on November 27, 2000, after determining that the applicant had abandoned her application based on her failure to appear for fingerprinting.

A review of the record of proceeding indicates that on November 24, 1999, the applicant notified the California Service Center of a change of address ( [REDACTED] ). On April 20, 2000, and again on June 10, 2000, the applicant was sent fingerprint notifications to appear at the Bellflower CIS office for fingerprinting. Both notices were mailed to the applicant's previous address [REDACTED]. The applicant, in this case, did not abandon her initial application as determined by the director; therefore, that finding of the director will be withdrawn.

On December 22, 2000, the applicant's former counsel filed a motion to reopen the director's decision. He stated that the applicant did not receive the notice for fingerprinting although she submitted a change of her address.

On February 20, 2001, the applicant was issued another fingerprint notification to appear at the El Monte CIS office on March 24, 2001. The applicant subsequently appeared for fingerprinting, as the record contains the Federal Bureau of Investigation (FBI) fingerprint results report dated April 11, 2001. There is no evidence in the record, however, that a decision was made on the motion to reopen. That motion must be addressed by the director before a decision is made on the applicant's second TPS application [WAC 05 076 76703].

The director's denial of the initial application will be withdrawn, and 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, that decision 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 offered to Hondurans.

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 for appropriate action consistent with the above discussion and entry of a new decision.