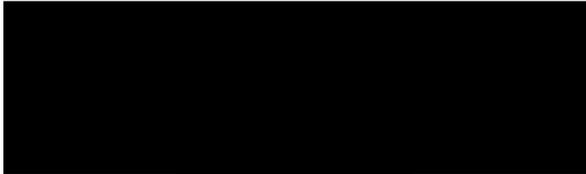




U.S. Citizenship
and Immigration
Services

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prevent clearly unwarranted
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FILE:

Office: CALIFORNIA SERVICE CENTER

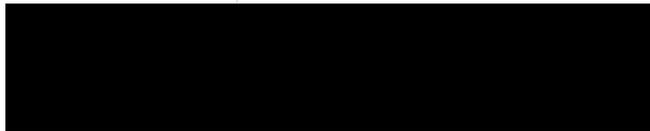
Date: SEP 06 2007

[WAC 05 097 81498]

[SRC 99 187 50170 relates]

IN RE:

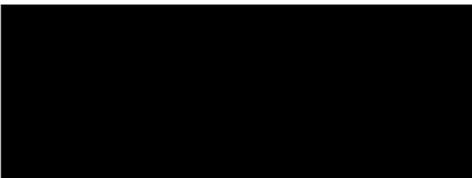
Applicant:



APPLICATION:

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

ON BEHALF OF APPLICANT:



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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's initial Temporary Protected Status (TPS) application was approved by the Director, Texas Service Center (TSC). A subsequent re-registration application was denied by the District Director, San Antonio, Texas on the ground that the applicant had failed to re-register for TPS. The current re-registration application was denied by the Director, California Service Center (CSC) and is now before the Administrative Appeals Office (AAO) on appeal. The re-registration application denied by the District Director, San Antonio, Texas, will be reopened, *sua sponte*, by the Chief, AAO, and 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 a first Form I-821, Application for Temporary Protected Status, under receipt number SRC 99 187 50170. The TSC director approved the initial application on October 5, 2000. A subsequent re-registration application was denied by the District Director, San Antonio, Texas on November 7, 2002, because the applicant had failed to re-register for TPS before July 5, 2002.

The applicant filed the current application on January 5, 2005, and indicated that he was re-registering for TPS. The CSC director denied the re-registration application on March 27, 2006, because TPS had not been granted. The applicant filed the current appeal on April 24, 2006.

The record of proceedings reveals that both the District Director's and the CSC Director's decisions were in error. Specifically, the record reveals that the applicant submitted a TPS application on or about June 20, 2002, together with a Form I-765, Application for Employment Authorization (EAC 02 227 51644 relates). However, said TPS application was not processed.

Furthermore, the San Antonio District Director's denial was mailed to the applicant's old address at [REDACTED]. The applicant's correct address of record at that time was [REDACTED], the address indicated on his Form I-765 and Form I-821 applications submitted on June 20, 2002.

The San Antonio District Director's denial of TPS re-registration is in error and will be withdrawn; the application will be remanded for a new decision. The CSC director's denial of the application for re-registration or renewal is dependant upon the adjudication of the applicant's previous re-registration application. Since the previous re-registration application is being remanded, the decision on the current application for re-registration will also be remanded to he 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 previous re-registration application is reopened, the San Antonio District Director's decision is withdrawn, and the application is remanded for a new decision. The current re-

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