



U.S. Citizenship
and Immigration
Services

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prevent clearly **unwarranted**
invasion of personal **privacy**



FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

[WAC 05 089 79568 as it pertains to
[SRC 99 21950417]

FEB 262008

INRE:

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status (TPS) was withdrawn by the Director, Texas Service Center. A subsequent application for re-registration was simultaneously denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office. The appeal will be sustained and the application will be approved.

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 an initial application for TPS under receipt number SRC 99 219 50417 on July 7, 1999. The director approved the initial application on July 5, 2000. The director withdrew the applicant's TPS on June 6, 2006, after determining that the applicant failed to submit requested court documentation relating to his criminal record. However, the record of proceedings reveals that the applicant submitted the requested documentation, which indicated that two of the charges against the applicant were dismissed, and the applicant pled guilty to one of the charges, "DWI 1st Offender", a misdemeanor. The applicant contends that the request for evidence contained an incorrect name and receipt number, which may have caused his evidence to be placed in the wrong file.

The record of proceedings contains sufficient evidence to establish the applicant's eligibility for TPS and does not reflect any grounds that would bar the applicant from receiving TPS. Therefore, the director's decision will be withdrawn and the initial application will be approved.

The director's decision withdrawing the applicant's TPS will be withdrawn, and the case will be sustained. 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 approved, the appeal from the denial of the re-registration will be sustained and that application will also be approved. The applicant is eligible for employment authorization under 8 C.F.R. § 274a.12(a)(12).

The burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by Citizenship and Immigration Services (CIS). 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof, the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b). The applicant has met this burden.

ORDER: The application is reopened and the director's denial of the initial application is withdrawn. The initial application and the re-registration application are both approved. The appeal is sustained.

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