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U.S. Citizenship
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FEB 29 2008

FILE: [REDACTED] Office: California Service Center Date:
[WAC 05 084 73585,
as it relates to SRC 03 07453441]

INRE: 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: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to
the office California Service Center. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas 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 late initial TPS application on January 14, 2003, under CIS receipt number SRC 03 074 53441. The Texas Service Center Director denied that application on April 7, 2003, after concluding that the applicant had failed to establish eligibility for late initial registration. The record does not reflect that the applicant filed an appeal.

The applicant filed the current Form 1-821, Application for Temporary Protected Status, on December 19, 2004, under CIS receipt number WAC 05 084 73585, and indicated that she was re-registering for TPS. The Director, California Service Center, 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 re-register for TPS.

The AAO notes that the record contains the director's initial denial notice, dated April 7, 2003, which was mailed to the wrong address, and was addressed to a different individual. The address on the denial notice was not the applicant's address of record as of the date of mailing as evidenced by a TPS application, filed January 14, 2003, on which the applicant states her address as [REDACTED], Hialeah, Florida 33014. Without evidence that the applicant received the denial notice, there is no basis to determine whether the applicant failed to comply with the director's instructions in the notice.

The director's denial of the initial application will be withdrawn; 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 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.