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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:'



Office: CALIFORNIA SERVICE CENTER

Date:

JAN 03 2008

[WAC 05 228 71986 which relates to SRC 99 120 53437]

INRE:

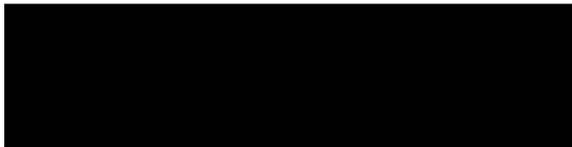
Applicant:



APPLICATION:

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

ON BEHALF OF APPLICANT:



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.

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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, **Texas** Service Center (fSC). A subsequent application for re-registration was denied by the Director, California Service Center (CSC), and is currently before the **Administrative** Appeals Office (AAO) on appeal. The **initial application** will be reopened, *sua sponte*, by the Chief, AAO, 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 applicant filed an initial application for Temporary Protected Status, under **receipt** number SRC 99 120 53437, which the TSC Director denied on February 2, 2000, because the applicant had abandoned her application by failing to respond to a Request for Evidence (RFE).

The applicant filed the current Form I-821, on May 16, 2005, and indicated that she was re-registering for TPS.

The CSC Director **denied** the re-registration application 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 has not previously been granted TPS because she had not **responded** to the TSC Director's RFE dated July 28, 1999. However, the record reflects that the RFE could not have reached the applicant because it does not bear her address and bears no notation that it was hand delivered. Additionally, the RFE requested that she submit a Form **I-601**, Application for Waiver of Ground of Excludability, an application that need not have been processed prior to a determination of her TPS eligibility.

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, the current decision will also be remanded to the CSC Director for further review pursuant to the new decision on the initial application. The director may request any evidence deemed necessary to assist with the **determination** of the applicant's eligibility for TPS.

An alien **applying** for temporary protected status has the burden of proving that he or she meets the requirements **cited** above and is otherwise eligible under the provisions of section 244 of the Act.

ORDER: The initial application is reopened, **the** director's decision is withdrawn and the application is remanded. The re-registration application is remanded for further action consistent with the director's new decision on the initial application.