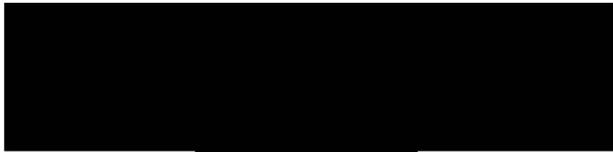


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**U.S. Citizenship
and Immigration
Services**



FILE: [REDACTED] OFFICE: California Service Center DATE: **JUL 1** 2008
[WAC 05 104 74596]

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 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 application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded for further consideration and action.

The applicant is stated to be a citizen of Nicaragua 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 his TPS application on August 7, 2001, under Citizenship and Immigration Services (CIS) receipt number SRC 01 254 55139. On January 16, 2002, the applicant was requested to submit evidence establishing his eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2), an acceptable photo identification, evidence of continuous residence in the United States since December 30, 1998, and evidence of continuous physical presence in the United States since January 5, 1999. The record does not reflect that the applicant provided the required evidence.

The applicant filed the current Form 1-821, Application for Temporary Protected Status, on January 12, 2005, under CIS receipt number WAC 05 104 74596, and indicated he was re-registering for TPS. The Director, California Service Center, denied the re-registration application on August 16, 2005, 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 now submitted an appeal.

The record of proceeding, however, does not contain the director's notice denying the applicant's initial TPS application (SRC 01 254 55139).

It is noted that the record of proceeding does not contain the applicant's final court dispositions of the following arrests:

1. On June 1, 2001, the applicant was arrested by the Sweetwater Police Department, Agency Case No. 0777470, and charged with 001 - COUNTY ORDINANCE VIOL- DISORDERLY CONDUCT COUNTY ORDINANCE.
2. On September 3, 2006, the applicant was arrested by the Palm Beach County Sheriff's Office, Agency Case No. 2006044217, and charged with 001 - FRAUD-FALSE STATEMENT - ON DR LICENSE OR ID APPLICANON, a felony, 3rd degree; and, charged 002 - RESISTING OFFICER - OBSTRUCTION BY DISGUISED PERSON, a misdemeanor, 1st degree.

Therefore, the case will be remanded for inclusion of the director's decision and any other necessary documentation into the record of proceeding. The director may request any additional evidence he considers pertinent. Upon receipt of all the evidence, the director will review the entire record and enter a new decision.

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 to the director for further action consistent with the above and entry of a decision.