

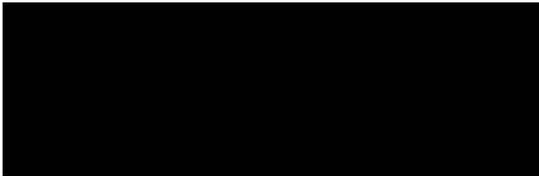
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



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

PUBLIC COpy



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FILE: [REDACTED]
[EAC 99 20351553]

Office: VERMONT SERVICE CENTER

Date: **JUL 07 2008**

INRE: Applicant: [REDACTED]

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

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

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

Robert P. Wiemann, .ef
Administrative Appeals Office

DISCUSSION: The initial application was denied by the Director, Vermont Service Center. The applicant filed an annual re-registration application, and the director reopened and denied the application. The issue is currently before the Administrative Appeals Office (AAO) on appeal. 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 an initial application for TPS under receipt number EAC 9920351553. The director denied the application on April 10, 2007, after determining that the applicant had failed to establish eligibility for late registration.

The director's denial of the initial application will be withdrawn; the application will be remanded for a new decision. The application was received during the initial registration period, thus the basis of the director's decision was incorrect as a matter of law. In addition, a Notice of Intent to Deny (NOID) sent to the applicant on January 25, 2007, was improperly sent to an invalid address. Therefore the decision will be remanded to the director for further adjudication. The director will request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS offered to Hondurans.

In addition, the AAO would note that upon a criminal records check it was discovered that the applicant has been arrested and apparently convicted of several misdemeanor charges. Any future proceedings must address why the applicant did not reveal these charges on his Form I-821, his inadmissibility for misrepresentation to that effect, and the final disposition of any criminal charges brought against the applicant while present in the United States.

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 director's decision is withdrawn, and the application is remanded for a new decision.