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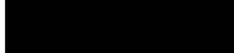
U.S. Citizenship
and Immigration
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date JUN 24 2008

[WAC 05 089 71860 as it pertains to
SRC 99 219527021

INRE:

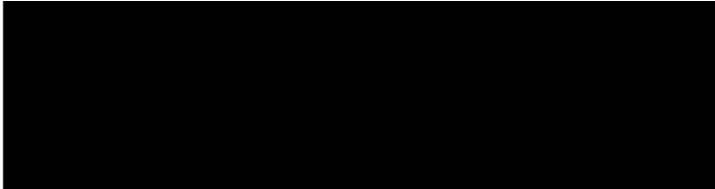
Applicant:



APPLICATION:

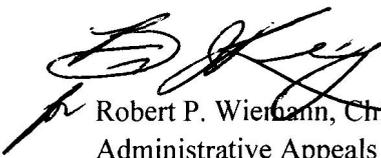
Application for Temporary Protected Status under Section 244 of the Immigration
and Nationality Act, 8 U.S.C. § 1254

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.


Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The initial application was approved by the Director, Vermont 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 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 SRC 99 219 52702. The director approved the initial application on June 12, 2000.

On July 23, 2005, the director denied the TPS re-registration submitted under receipt number WAC 05 089 78160, finding that "the applicant's prior Form 1-821 was denied, because the applicant did not establish prima facie eligibility." The record does not contain a Form 1-821, Application for Temporary Protected Status, applying for re-registration under that receipt number. In addition, there is no indication that the applicant's Temporary Protected Status had been withdrawn subsequent to the June 12, 2000 approval of the applicant's initial TPS application, nor any indication that re-registration applications filed after the initial registration period had been denied. On appeal, the applicant submits copies of Employment Authorization cards; indicating Category "A12" for the periods from October 19, 2000 through July 5, 2001; July 6, 2001 through July 5, 2002, July 6, 2002 through July 5, 2003; and July 5, 2003 through January 5, 2005.

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 was approved, this decision will be remanded to the director for further adjudication and inclusion of the Form 1-821 filed under WAC 05 089 78160. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS offered to Hondurans.

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).

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 was approved. The re-registration application is remanded for further action consistent with the director's decision on the initial application.