



U.S. Citizenship  
and Immigration  
Services

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[REDACTED]

FILE: [REDACTED]  
[WAC 05 090 79098]

Office: CALIFORNIA SERVICE CENTER

Date: **APR 17 2007**

IN RE: 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:

[REDACTED]

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, Chief  
Administrative Appeals Office

**DISCUSSION:** The applicant's temporary protected status was withdrawn by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The case will be remanded.

The applicant claims to be 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 director determined that the applicant failed to submit requested court documentation relating to his criminal record.

On appeal, counsel for the applicant states that the applicant was unable to obtain the requested court records because of Hurricane Katrina.

In this case, it does not appear that the applicant "willfully" failed to obtain the requested court records. The applicant was instructed to obtain court dispositions one month after Hurricane Katrina devastated New Orleans. Consequently, under these extraordinary circumstances, it is probable that the applicant could not obtain the requested court documentations at that time. The applicant should be given the opportunity once again to obtain the requested court documentation. Therefore, the director's decision to withdraw the applicant's Temporary Protected Status, will, itself, be withdrawn.

The case will be remanded and the director shall allow the applicant the opportunity to obtain the final dispositions for both the September 4, 1998 arrest by the New Orleans, Louisiana Sheriff's Office for "Agg Aslt", and for the February 28, 2004 arrest by the New Orleans, Louisiana Police Department for "Domestic Violence."

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.