



U.S. Citizenship  
and Immigration  
Services

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*ML*

[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date: MAR 05 2007

[WAC 05 048 74890  
as it relates to SRC 99 119 50059]

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 California Service Center. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center (CSC), and is currently before the Administrative Appeals Office (AAO) on appeal. The decision of the director will be withdrawn and the case will be remanded for further consideration and action.

The applicant is 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 record reveals that the applicant filed a first Form I-821, Application for Temporary Protected Status, on January 25, 1999, during the initial registration period (SRC 99 119 50059 relates). The director denied the application on November 10, 1999, because the director erroneously determined that the applicant had an approved asylum application. The case was reopened by CIS on its own motion for further processing on September 13, 2002.

The applicant filed the current Form I-821 on May 9, 2005, and indicated that he was re-registering for TPS. The director denied the re-registration application on the basis that the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. However, the record of proceedings reveals that the director's decision was in error. Specifically, the record reveals that the applicant's initial TPS application is still pending.

Since the decision on the initial application is still pending, the decision on the application for re-registration will be withdrawn, and will be remanded to the director for further adjudication. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS offered to Hondurans.

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 on the re-registration application, dated September 13, 2005, is withdrawn. The case is remanded for further action consistent with the director's final decision on the pending initial application.