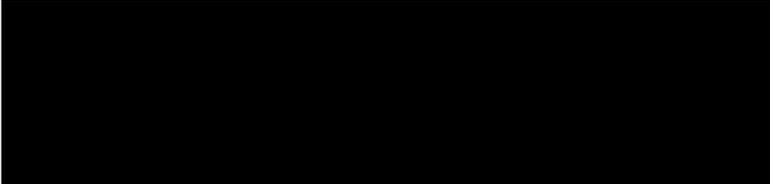




U.S. Citizenship
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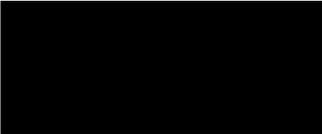
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FILE:



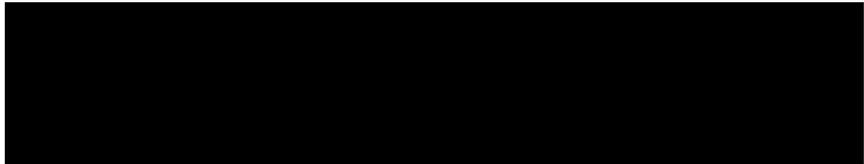
OFFICE: CALIFORNIA SERVICE CENTER

DATE: APR 23 2007

[WAC 02 261 54791]

IN RE:

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 office that originally decided your case. Any further inquiry must be made to that office.


for 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 on appeal. The case will be remanded to the director for further action.

The applicant is 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 applicant filed the current TPS application on August 16, 2002, and indicated that he was re-registering for TPS. The director treated the application as the applicant's "first application to register for Temporary Protected Status" and denied the application on November 17, 2003, because the applicant had failed to establish that he was eligible for late registration.

A review of the record of proceeding indicates that the applicant previously furnished: (1) a copy of a receipt issued to [REDACTED] on May 19, 1999, in Phoenix, Arizona, based on the filing of Form I-821, FD-258, and Form I-765; and (2) a copy of an Employment Authorization Card issued to [REDACTED] on April 25, 2000, under file [REDACTED], based on a pending TPS application (category C19). USCIS data base also indicates that another file, [REDACTED], was created for the applicant. The record does not reflect the director's acknowledgement or review of the applicant's prior applications(s) and files before a decision was rendered on the current application.

The evidence contained in this file is not sufficient to support the director's denial decision. Therefore, the case will be remanded. The director shall review all USCIS records pertaining to this applicant, and all files relating to this individual's TPS application history shall be consolidated into the applicant's permanent record, and the director shall issue a new decision. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS.

The record reveals the following arrests and/or convictions relating to the applicant:

- (1) On May 21, 2001, in the Municipal Court of the City of Phoenix, Maricopa County, Arizona, Case No. [REDACTED] (arrest date April 8, 2001), the applicant (name used: [REDACTED]) was convicted of "extreme driving under the influence," ARS 28-1382, a misdemeanor. He was ordered to serve 30 days in jail, and pay \$778 in fines and costs.
- (2) The Federal Bureau of Investigation fingerprint results report indicates that on December 24, 2002, in Phoenix, Arizona, the applicant (name used: [REDACTED]) was arrested for "aggravated assault with a deadly weapon/dangerous instrument." The final court disposition of this arrest is not contained in the record.

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.