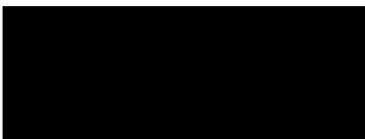




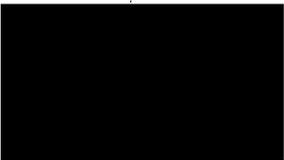
U.S. Citizenship  
and Immigration  
Services

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prevent clearly unwarranted  
invasion of personal privacy



FILE:



Office: CALIFORNIA SERVICE CENTER

Date: NOV 07 2007

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:

SELF-REPRESENTED

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 denied by the Director, Texas Service Center (TSC). 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 initial application will be reopened, *sua sponte*, by the Chief, Administrative Appeals Office, and the case will be remanded for further consideration and 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 an application for TPS on July 22, 2001, marked as an initial application, under Citizenship and Immigration Services (CIS) receipt number SRC 01 244 54502. The TSC director denied that application on June 25, 2002, after determining that the applicant had failed to establish his eligibility for late initial registration. The initial registration period for Hondurans was from January 5, 1999, through August 20, 1999.

However, on the July 2001 application, the applicant had indicated that he had previously applied for TPS during the initial registration period, under CIS receipt number SRC 99 168 51418. Along with evidence relating to his continuous residence in the United States since December 30, 1998, his continuous physical presence in the United States since January 5, 1999; his identity; and his nationality, the applicant submitted the following evidence to establish that he had previously applied for TPS during the initial registration period: copies of the initial Form I-821, Application for Temporary Protected Status, and Form I-765, Application for Employment Authorization, both signed on April 29, 1999; a fingerprint fee receipt dated May 17, 1999, bearing the applicant's address at that time and bar code SRC 99 168 51418; a United States Postal Service (USPS) Certified Mail receipt postmarked on May 3, 1999, indicating the applicant's name and the contents as Forms I-821 and I-765; and, a 1999 money order receipt payable to the Immigration and Naturalization Service, now CIS.

The record of proceedings does not contain the applicant's initial Form I-821 and supporting documents filed under CIS receipt number SRC 99 168 51418, or any decisions relating to that application. It is noted that the electronic records of CIS reflect that the 1999 SRC number is identified as being under the name [REDACTED] but lists a different address than that provided on the submitted copy of the applicant's 1999 TPS application. The electronic records of CIS further reflect that the CIS receipt number SRC 99 168 51418 has been assigned under file number [REDACTED]. Upon requesting [REDACTED] for review, the records of CIS reflect that only the primary file, [REDACTED] is available. However, the primary file does not reflect the consolidation of the other A-file record of proceedings. In addition, the electronic records of CIS reflect that the Form I-821 related to SRC 99 168 51418 was denied on September 20, 2002. Thus, if, in fact, this record belongs to the applicant, the initial TPS application, filed during the initial registration period, was still pending after the TSC director issued the denial due to late registration on June 25, 2002.

The evidence contained in this file is not sufficient to support the director's decision of denial. The TSC director's denial of the initial application will be withdrawn; the application will be remanded for a new decision. The director shall review all CIS records pertaining to this applicant and all files relating to this individual's TPS application history shall be consolidated into the record of proceedings. 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 is being remanded, that decision 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 Salvadorans.

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 is reopened, the director's decision is withdrawn, and the application is remanded for a new decision. The re-registration application is remanded for further action consistent with the director's new decision on the initial application.