

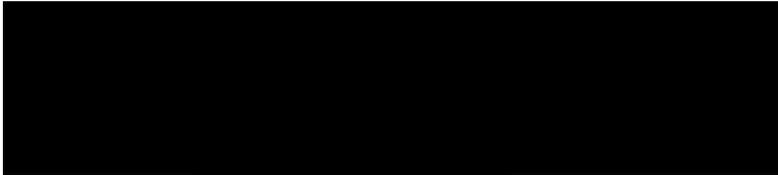
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**U.S. Citizenship
and Immigration
Services**

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FILE:

[WAC 05 084 73473 –
as it relates to SRC 99 143 50062]

Office: California Service Center

Date:

NOV 14 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:



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.

for
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 (CSC), and is currently before the Administrative Appeals Office (AAO) on appeal. The initial application will be reopened, *sua sponte*, by the Chief, AAO, and the case will be remanded to the CSC director 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 his initial Form I-821, Application for Temporary Protected Status, at the TSC during the initial registration period under Citizenship and Immigration Services (CIS) receipt number SRC 99 143 50062. The TSC director denied that application on September 20, 2002, because the applicant failed to respond to a request for evidence regarding his scheduled fingerprint appointments. The record of proceedings shows that the TSC director sent the request for evidence, dated August 19, 2002, as well as the denial decision, to the applicant's address in 1999 and to his original representative, both of which had changed before 2002. The applicant indicated a new address on his applications for employment authorization and re-registration for TPS, filed at the TSC on June 27, 2002.

The applicant filed the current Form I-821 at the CSC on December 23, 2004 [WAC 05 084 73473], and indicated that he was re-registering for TPS. The application was denied on September 19, 2005, by the CSC director on the ground that the applicant's initial application had been denied, thereby making him ineligible to re-register for TPS. The applicant filed a timely appeal.

In view of the fact that the request for evidence and the decision on the initial application were mailed to an incorrect address, the denial will be withdrawn and the application remanded to the CSC Director for a new decision. The adjudication of the application for re-registration or renewal is dependent upon the decision on the initial application. Since the initial application is being remanded, the re-registration application will also be remanded to the CSC director for further consideration and a new decision. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS.

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 decision of the TSC director is withdrawn, and the application is remanded to the CSC director for a new decision. The re-registration application is remanded to the CSC director for further action consistent with the decision on the initial application.