



U.S. Citizenship
and Immigration
Services

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FILE:

Office: CALIFORNIA SERVICE CENTER

Date: SEP 06 2007

[WAC 05 098 81226]

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 application for re-registration or renewal of temporary treatment benefits was denied by the Director, California Service Center (CSC), and is currently before the Administrative Appeals Office 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 The decision of the director will be withdrawn, and the case will be remanded for further consideration and action.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 applicant filed a first Form I-821, Application for Temporary Protected Status, with the Texas Service Center (TSC) on May 3, 2001, after the initial registration period for Hondurans had ended (SRC 01 237 55423 relates). In connection with that application, the director of the Vermont Service Center (VSC) requested the applicant, on May 7, 2004, to submit evidence to establish his eligibility for late registration, and his qualifying continuous residence and continuous physical presence in the United States during the requisite time periods. The record indicates that the applicant responded to the director's request on June 4, 2004. However, no further action on the application was taken, and it remains in the record un-adjudicated.

The applicant filed a second Form I-821 with the VSC on July 7, 2003 (EAC 03 214 51729 relates). The director of the VSC denied that application on March 4, 2004, because the applicant had failed to establish his eligibility for late registration.

The applicant filed the current Form I-821 with the CSC on January 6, 2005, and indicated that he was re-registering for TPS or renewing his temporary treatment benefits. The director of the CSC denied the application on July 23, 2005, after determining that the applicant was not eligible to apply for re-registration for TPS or renewal because a previous TPS application had been denied. The applicant filed his appeal from that decision on August 16, 2005.

Since the director of the CSC's denial of the application for re-registration or renewal of temporary treatment benefits is dependent upon the adjudication of all prior TPS applications, the decision to deny the application for re-registration or renewal of temporary treatment benefits will be withdrawn, and the case will be remanded for adjudication of the applicant's first Form I-821.

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 is withdrawn, and is remanded for further consideration and action subsequent to the adjudication of all prior applications.