



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED]
[WAC 05 089 75358]

Office: California Service Center

Date: JAN 25 2008

INRE: 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: 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.

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Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for re-registration was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) 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 an initial application for TPS under Citizenship and Immigration Services (CIS) receipt number SRC 03 131 54946. The Director, Texas Service Center (TSC), denied the initial application on June 14, 2003; however, the specific reason for the decision was not indicated on the Notice of Denial. Pursuant to 8 C.F.R. § 103.3(a), "the officer shall explain in writing the specific reasons for denial." Therefore, the case is being remanded for the issuance of a new decision that sets forth the specific reasons for the denial.

The director's denial of the application for re-registration 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 Hondurans.

It is noted that the applicant's Federal Bureau of Investigation (FBI) Fingerprint Results Report indicates that the applicant was arrested by the Police Department Houston (Texas) on April 1, 1997, and charged with one count of "Theft-Shoplifting." The record of proceeding does not contain the final court disposition for this arrest. CIS must address the arrest and any conviction in any future proceedings.

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. The case is remanded to the director for further action consistent with the above and entry of a new decision.