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U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COpy

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FILE: [redacted] OFFICE: California Service Center DATE: JUL 01 2008
[as it was related to [redacted]]
[WAC 05 060 76230]

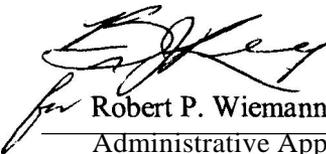
INRE: Applicant: [redacted]

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.


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 (AAO) on appeal. 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 record reveals that the applicant filed his TPS application on July 5, 2002, under Citizenship and Immigration Services (CIS) receipt number SRC 02 234 55390. On September 10, 2002, the applicant was requested to submit final court dispositions regarding any convictions in the United States.

The applicant filed the current TPS application on November 24, 2004, under CIS receipt number WAC 05 060 76230) and indicated he was re-registering for TPS. The Director, California Service Center, denied the re-registration application on June 29, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS. The applicant has now submitted an appeal.

The record of proceeding reflects that the applicant's previous file, _ was combined with his current file, however, this file does not contain the director's notice denying the applicant's initial TPS application (SRC 02 234 55390).

It is noted that the record of proceeding does not contain the applicant's final court dispositions of the following arrests:

1. On March 5, 1999, the applicant was arrested by the California DOJ-BUR of Ident Sacramento, Agency Case No. 412683, and charged with 00 1COUNT OF BURGLARY, FIRST DEGREE.
2. On December 5, 1999, th Police Department San Jose, Agency Case No. 99070086, name used - and charged with 001 COUNTS OF GRAND THEFT.
3. On April 5, 2000, the applicant was arrested by the Dept of Corr San Jose, Agency Case No. 00021063, name used - and charged with 001 COUNT OF GffHEFT, \$ILABORIPROP \$400+.

Therefore, the case will be remanded for inclusion of the director's decision and any other necessary documentation into the record of proceeding. The director may request any additional evidence he considers pertinent. Upon receipt of all the evidence, the director will review the entire record and enter a new decision.

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 and entry of a decision.