



U.S. Citizenship  
and Immigration  
Services

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FILE:

[REDACTED]  
[SRC 99 240 53655]  
[WAC 05 099 76870]

Office: California Service Center

Date: **JAN 04 2007**

IN RE:

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 office that originally decided your case. 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 stated to be 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 her initial application [SRC 99 240 53655] on August 9, 1999. On October 9, 2002, the TSC director requested the applicant to submit evidence regarding her past arrests. The TSC director determined that the applicant failed to respond to the October 9, 2002, request for evidence and denied the application on January 23, 2003, due to abandonment.

The applicant filed the instant Form I-821, Application for Temporary Protected Status, on January 7, 2005. The director denied this application on July 1, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

A review of the record of proceedings reflects that the director sent the October 9, 2002, request for evidence and notice of denial dated January 23, 2003, regarding the applicant's initial TPS application [SRC 99 240 53655], to an incorrect address of [REDACTED] Houston, Texas, instead of [REDACTED] Houston, Texas. The applicant indicated a new address on her application for employment authorization [SRC 02 212 51074] and her re-registration for TPS filed on June 28, 2002.

The director's denial of the initial application will be withdrawn; the application will be remanded for a new decision. 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 Hondurans.

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.