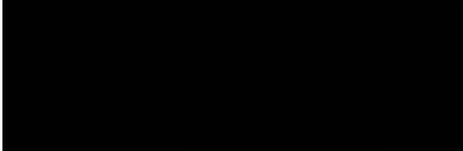


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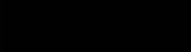
**U.S. Citizenship
and Immigration
Services**

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **DEC 06 2006**

[EAC 99 186 50203]
[WAC 05 147 80978]

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 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 automatically terminated due to abandonment by the District Director, Baltimore, Maryland. A subsequent 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 (AAO) on appeal. The initial application will be reopened, *sua sponte*, by the AAO, and the case will be remanded to the director of the CSC for further consideration and action.

The applicant claims to be a citizen of El Salvador 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 a first Form I-821, Application for Temporary Protected Status, on September 15, 1999, during the initial registration period (EAC 99 186 50203 relates). On June 18, 2000, the District Director, Baltimore, forwarded the applicant a request to appear for an interview in connection with that application. Because the applicant failed to appear as scheduled, the district director automatically terminated the application due to abandonment. However, the record of proceeding reveals that the request to appear for interview was forwarded to the applicant at a wrong address; therefore, the decision to deny the application was in error.

The district director's denial of the initial application will be withdrawn, and the application will be remanded for a new decision. 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 the initial application, the decision to deny the application for re-registration or renewal of temporary treatment benefits will also be remanded for further adjudication. The director of the CSC may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS offered to Salvadorans.

It is noted that as a result of being fingerprinted in connection with this application, CIS received a report from the Federal Bureau of Investigation (FBI) indicating that the applicant had been arrested on April 28, 1996, in Washington, D.C., and charged with one count each of Unauthorized Use of a Motor Vehicle and Receiving Stolen Property. In any future proceedings before CIS, the applicant must submit evidence of the final court disposition of this and any other charges against her.

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 district director's decision is withdrawn, and the application is remanded for a new decision. The application for re-registration or renewal of temporary treatment benefits is remanded to the director of the CSC for further action consistent with a new decision on the initial application