



U.S. Citizenship
and Immigration
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **JAN 05 2007**

[EAC 99 173 53940]
[WAC 05 078 73253]

IN RE:

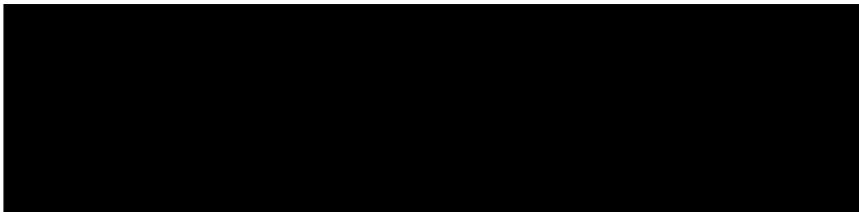
Applicant:



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 denied due to abandonment by the District Director, Arlington, Virginia. 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 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 record reveals that the applicant filed a first Form I-821, Application for Temporary Protected Status, with the Vermont Service Center (VSC) on September 15, 1999, during the initial registration period (EAC 99 173 53940 relates). On August 26, 2002, the District Director, Arlington, denied the application due to abandonment because the applicant failed to appear as scheduled for fingerprinting required in connection with her application. However, the record of proceeding reveals that the request to appear for fingerprinting, and the denial of the application, were mailed 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The district director's denial of the initial application will be withdrawn, and the application will be remanded for a new decision.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 has been arrested and charged with the following offenses in Herndon, Virginia: (1) Assault & Battery on July 4, 2000; and, Obstructing Justice on September 9, 2001. In any future proceedings before CIS, the applicant must submit evidence of the final court dispositions of these and any other charges against her.

It is further noted that another alien registration file [REDACTED] exists concerning the applicant. That file reveals that the applicant was ordered removed from the United States to Honduras by an Immigration Judge on February 23, 1996. That order remains outstanding.

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