



U.S. Citizenship  
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Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **JAN 05 2007**

[EAC 99 192 51571]  
[WAC 05 068 72493]

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 Director, Vermont Service Center (VSC). 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 VSC on April 1, 1999, during the initial registration period (EAC 99 192 51571 relates). On October 18, 2000, the director of the VSC 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 director's denial of the application, were mailed to the applicant at a wrong address; therefore, the decision to deny the application was in error.

The director's denial of the initial application will be withdrawn, and the application will be remanded for a new decision.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 further noted that another alien registration file [REDACTED] exists concerning the applicant. That file reveals that on October 17, 1989, an Immigration Judge denied the applicant application for asylum and withholding of deportation, and granted the applicant voluntary departure from the United States on or before November 17, 1989. On July 30, 1993, the Board of Immigration Appeals dismissed the applicant's appeal of the Immigration Judge's decision and granted her 30 days to depart the United States voluntarily in lieu of deportation. The applicant failed to voluntarily depart as granted.

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