

PUBLIC COPY

U.S. Department of Homeland Security

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

Citizenship and Immigration Services

M I

ADMINISTRATIVE APPEALS OFFICE
S, AAO, 20 Mass, 3/F
25 Eye Street N.W.
Washington, D.C. 20536

[Redacted]

File:

[Redacted]

Office: Vermont Service Center Date:

NOV 07 2003

IN RE:

Applicant:

[Redacted]

Application:

Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

IN BEHALF OF APPLICANT:

Self-represented

INSTRUCTIONS:

This is the decision 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.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of Citizenship and Immigration Services (CIS) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

Cynthia Gomez for
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and the case is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Honduras who indicated on his application that he entered the United States without a lawful admission or parole on June 16, 1988.

Persons applying for TPS offered to Hondurans must demonstrate that they have continuously resided in the United States since December 30, 1998, and that they have been continuously physically present in the United States since January 5, 1999. On May 11, 2000, the Attorney General announced an extension of the TPS designation until July 5, 2001. Subsequent extensions of the TPS designation have been granted, with the latest extension (effective on July 5, 2003) valid until January 5, 2005, upon the applicant's re-registration during the requisite time period.

An alien who has been granted Temporary Protected Status must register annually with the district office or service center having jurisdiction over the alien's place of residence 8 C.F.R. § 244.17(a). Failure to register without good cause will result in the withdrawal of the alien's Temporary Protected Status. 8 C.F.R. § 244.17(c).

The record reveals that on March 23, 2000, the director granted the application for Temporary Protected Status. However, the record does not reflect an attempt by the applicant to file his required re-registration in 2001.

On October 31, 2002, the director notified the applicant that his Temporary Protected Status would be "withdrawn unless you can submit additional evidence to show that you had registered on time or that you had a good reason for not registering." The applicant did not respond to this notice and the director withdrew the applicant's TPS on January 3, 2003.

On appeal, the applicant reasserted his claim of qualifying residence and physical presence in the United States. However, the applicant failed to offer any explanation for his failure to file his required annual re-registration in 2001.

An alien applying for temporary protected status has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has failed to meet this burden.

ORDER: The appeal is dismissed.