

U.S. Department of Homeland Security
Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street N.W.
Washington, D.C. 20536

PUBLIC COPY



File:

Office: Vermont Service Center

Date: NOV 14 2003

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: Self-represented

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

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.

Cindy N. Gomez for
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the District Vermont Service Center, and 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 was entered the United States on December 2, 1998. The director withdrew the applicant's Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254, because the applicant failed to establish that he had re-registered for TPS during the period July 6, 2001 through July 5, 2002.

On appeal, the applicant asserts in part:

...I will like to have opportunity for this employment authorization because since you give this opportunity for TPS I filed out the application and sent the fee I sent evidence, etc. and I never received anything.

The applicant states that he changed his address in December 2002.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant who is a national of a foreign state is eligible for temporary protected status only if such alien establishes that he or she:

- (a) Is a national, as defined in section 101(a)(21) of the Act, of a foreign state designated under section 244(b) of the Act;
- (b) Has been continuously physically present in the United States since the effective date of the most recent designation of that foreign state;
- (c) Has continuously resided in the United States since such date as the Attorney General may designate;
- (d) Is admissible as an immigrant except as provided under section 244.3;
- (e) Is not ineligible under 8 C.F.R. 244.4; and
- (f)
 - (1) Registers for TPS during the initial registration period announced by public notice in the *Federal Register*, or
 - (2) During any subsequent extension of such designation if at the time of the initial registration period:
 - (i) The applicant is a nonimmigrant or has been granted voluntary

departure status or any relief from removal;

(ii) The applicant has an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;

(iii) The applicant is a parolee or has a pending request for reparole; or

(iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.14, provide that the director may withdraw TPS granted to an alien if the alien fails, without good cause, to register with the Attorney General, now the Secretary, Department of Homeland Security (Secretary), annually, within 30 days before the end of each 12-month period after the granting of such status.

Honduras was designated under section 244(b) of the Act on January 5, 1999, with the latest extension valid through January 5, 2005.

The record reflects that the applicant filed his application to register for TPS during the initial period of registration on June 4, 1999. The application was approved on May 4, 2000.

On August 19, 2002, the applicant was advised of CIS's intent to withdraw the approval of his TPS for failure to re-register during the requisite periods of July 6, 2000 through July 5, 2001, and July 6, 2001 through July 5, 2002. The applicant was granted thirty days in which to submit evidence reflecting that he had either registered on time or had a plausible reason for not registering. The record indicates that the notice was sent to the applicant's address (9202 Frostburg Way, Gaithersburg, Maryland) at the time. The applicant, in response, provided copies of Forms I-797C dated June 4, 1999 and June 6, 2002, along with an Applicant Information Worksheet for fingerprints, issued on November 20, 1999. On December 24, 2002, the applicant's TPS was withdrawn as the director concluded that the evidence submitted by the applicant did not overcome the grounds for withdrawal.

The applicant, on appeal, claims that he has never received any correspondence regarding his application. The applicant's claim lacks credibility as he had responded to the August 19, 2002 notice. Further, it is noted that CIS responded to the applicant's inquiry as to the status of his application on January 31, 2000, indicating that no record of his application could be located without additional information.

The director's decision to withdraw the status of the applicant for failing to re-register for temporary protected status will be affirmed.

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.