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U.S. DEPARTMENT OF HOMELAND SECURITY
DIVISION OF IMMIGRATION SERVICES



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE:

[Redacted]

Office: Vermont Service Center

Date:

4/17/06

IN RE:

Applicant:

[Redacted]

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

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
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status (TPS) was withdrawn by the Director, Vermont Service Center, and the case is now before the Administrative Appeals Office on appeal.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

The applicant is a native and citizen of Honduras who applied for TPS under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254, and who indicated on his application that he entered the United States without a lawful admission or parole.

The director approved the application for TPS on April 15, 2000. The director subsequently withdrew the applicant's TPS on April 4, 2003, when it was determined that the applicant had failed to submit his required annual re-registration application.

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 valid until January 5, 2005, upon the applicant's re-registration during the requisite time period.

An alien who has been granted TPS 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).

The director may withdraw the status of an alien granted TPS under section 244 of the Act if the alien fails without good cause to register with the Attorney General annually after the granting of TPS. 8 C.F.R. § 244.17(c).

The record reveals that on April 15, 2000, the director granted the application for TPS. However, the record does not reflect an attempt by the applicant to file his required annual re-registration during the 2001-2002 re-registration period.

On November 8, 2002, the director notified the applicant that his TPS 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."

In response, the applicant states that he failed to register because his sister did not notify the Post Office that he had moved and therefore he did not receive his mail.

The director concluded that the applicant had failed to overcome the grounds stated in the Notice of Intent to Withdraw and withdrew the applicant's TPS on April 4, 2003.

On appeal, the applicant provides a detailed explanation including his sister's failure to inform the U.S. Postal Service of his new address, his travels within the United States during the time period, and advice received from a notary public who was assisting him.

In this case, the applicant provided an explanation for his failure to re-register and has established that he did not "willfully" fail to re-register during the 2001-2002 re-registration period. Therefore, the appeal is sustained and the application shall be approved.

An alien applying for TPS 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 met this burden.

ORDER: The appeal is sustained.