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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



File:

Office: Vermont Service Center

Date:

JAN 06 2004

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

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.

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 indicated on her application that she was present in the United States without a lawful admission or parole on July 3, 1995. 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. § 1254a, because the applicant is a citizen and national of Guatemala and that country has not been designated for TPS eligibility under section 244 of the Act.

On appeal, the applicant admits that she is a national of Guatemala, but requests continuing TPS status because of the prevailing conditions in her country. The applicant also states that she has two U.S. grandchildren to support.

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

Is a national of a foreign state designated under section 244(b) of the Act;....

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.14(a)(1), provide that the director may withdraw TPS granted to an alien if the alien was not in fact eligible at the time such status was granted, or at anytime thereafter becomes ineligible for such status.

On May 21, 2002, the applicant was informed that her TPS application had been approved in error pursuant to 8 C.F.R. § 244.14(a)(1). The applicant was granted thirty days in which to submit evidence to over the director's findings. The applicant, however, failed to respond, and on December 13, 2002, the applicant's TPS was withdrawn.

As a citizen and national of Guatemala, the applicant is ineligible for the provisions of section 244 of the Act. Consequently, the director's decision to withdraw the status of the applicant 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.