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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

[REDACTED]

JAN 13 2004

File:

[REDACTED]

OFFICE: Vermont Service Center

DATE:

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 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 M. 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DISCUSSION: The applicant's temporary protected status was withdrawn by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is a native and 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 director determined that the applicant failed to submit evidence to establish that she had successfully re-registered for temporary protected status for the periods July 6, 2000 to July 5, 2001 and July 6, 2001 to July 5, 2002. The director, therefore, withdrew the applicant's temporary protected status.

On appeal, the applicant states she did re-register for employment authorization in 2000, but the only proof she has is a Form I-797 which she received, acknowledging receipt of her Form I-765, Application for Employment Authorization. The applicant submits a copy of a Form I-797 dated June 15, 2002, acknowledging receipt of a Form I-765 application received on June 1, 2002; copies of Form(s) I-765, Application(s) for Employment Authorization, dated May 22, 2000 and June 8, 2002; and copies of Form(s) I-821, Application(s) for Temporary Protected Status dated September 23, 2000 and June 8, 2002.

The director may withdraw the status of an alien granted temporary protected status under section 244 of the Act at any time if it is determined that the alien failed without good cause to register with the Attorney General annually within thirty (30) days before the end of each 12-month period after the granting of TPS. 8 C.F.R. § 244.14.

The record reflects that the applicant failed to successfully re-register for temporary protected status for the periods July 6, 2000 to July 6, 2001 and July 6, 2001 to July 5, 2002. On December 13, 2002, the director requested the applicant to furnish evidence that she filed for re-registration for the periods July 6, 2000 to July 5, 2001 and July 6, 2001 to July 5, 2002. In response, the applicant submitted copies of correspondence showing she had registered for TPS and employment authorization in 1999. The director determined that the applicant had not overcome the grounds of withdrawal. The applicant's temporary protected status was withdrawn on March 6, 2003.

The record reflects that the applicant submitted a Form I-765, Application for Employment Authorization, for the period July 6, 2000 to July 6, 2001, but the application was returned to her because she did not submit the required Form I-821, Application for Temporary Protected Status, at the same time. The applicant was requested to return both application forms by September 5, 2000. The applicant's re-submitted Form I-765 and the Form I-821 were received after the September 5, 2000 deadline. The

application forms were, therefore, rejected and returned to the applicant on October 5, 2000.

The applicant, on appeal, states she applied for employment authorization in 2000. However, no evidence was furnished to establish that the applicant successfully filed for re-registration for TPS for the periods July 5, 2000 to July 5, 2001 and July 6, 2001 to July 5, 2002. Simply going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972). The applicant has not overcome the findings of the director pursuant to 8 C.F.R. § 244.14; therefore, the director's decision will be affirmed.

The burden of proof is upon the applicant to establish 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.