

PUBLIC COPY

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

MU

U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



**U.S. Citizenship
and Immigration
Services**



FILE:



Office: VERMONT SERVICE CENTER

Date: **MAY 28 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 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 for

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status (TPS) was withdrawn by the Director, Vermont Service Center, and an appeal is now before the Administrative Appeals Office. The case will be remanded for further consideration and action.

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. The director approved the application for Temporary Protected Status (TPS) on May 25, 2000. The director subsequently withdrew the applicant's Temporary Protected Status on February 14, 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 record reveals that on May 25, 2000, the director approved the application for Temporary Protected Status. However, the record does not reflect an attempt by the applicant to file his required annual re-registration in 2001.

On October 10, 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."

Because of the applicant's failure to respond to the director's Notice of Intent to Withdraw, the director concluded that the applicant had failed to overcome the grounds as stated, and withdrew the applicant's TPS on February 14, 2003.

On appeal, the applicant explains that he was unaware of the time frame in which to re-register. The applicant states that he was under the impression that he had 18 months in which to re-register. The applicant further states that he brought his card to his employer, started working, and put the card away without noticing the expiration date.

The director may withdraw the status of an alien granted Temporary Protected Status under section 244 of the Act if the alien fails 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 Temporary Protected Status. 8 C.F.R. § 244.17(c).

In this case, the applicant provided an explanation for his failure to re-register and it does not appear that the applicant "willfully" failed to re-register in 2001. However, it also appears that the applicant has failed to re-register during subsequent re-registration periods. Therefore, the case will be remanded; the director may request any evidence deemed necessary to assist with the determination of the applicant's continued eligibility for TPS.



Page 3

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The director's decision is withdrawn. The case is remanded for further action.