



U.S. Citizenship
and Immigration
Services

MM



FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: OCT 07 2004

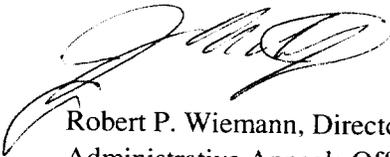
IN RE: Applicant: [REDACTED]

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, Director
Administrative Appeals Office

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prevent clearly unwarranted
invasion of personal privacy**

DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal.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 was granted Temporary Protected Status (TPS) on November 19, 1999. The director subsequently withdrew the applicant's Temporary Protected Status on April 4, 2003, when it was determined that the applicant had failed to submit the required annual re-registration for each 12-month period subsequent to the approval of his application.

On appeal, the applicant submits a statement and additional evidence.

An alien who has been granted Temporary Protected Status 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).

Temporary Protected Status shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner specified by the Attorney General. Section 244(c)(3)(c)(A) of the Immigration and Nationality Act (the Act.)

The record reveals that on November 19, 1999, the director approved the applicant's Form I-821, Application for Temporary Protected Status. The record also reveals that the applicant subsequently attempted to file for re-registration for the 2002-2003 and the 2003-2004 periods. However, the record does not reflect an attempt by the applicant to re-register for the 2001-2002 period.

In a letter dated October 31, 2002, the director requested that the applicant submit evidence that he had filed for re-registration for the 2001-2002 period. The notice was mailed to the applicant at his address of record, but he failed to respond to the notice.

The director concluded that the applicant had failed to establish that he had successfully re-registered for the 2001-2002 period. Therefore, the director withdrew the applicant's TPS on April 4, 2003.

On appeal, the applicant states that he personally deposited the re-registration application with supporting documentation in the CIS "Federal Plaza Postal Box" two times, but "[u]nfortunately, I lost the copy of those document[s] and I [am] unable to send [a] copy of my records includ[ing] Money Order and [expired] Employment Authorization [Document]." The applicant submits documentation relating to his residence and physical presence in the United States and a copy of his re-registration application for the 2002-2003 period, but he does not submit any independent evidence to corroborate his statement that he successfully re-registered for the 2001-2002 period. 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 provided any evidence to establish that a re-registration had been filed for the 2001-2002 period. Consequently, the director's decision to withdraw the applicant's Temporary Protected Status will be affirmed.

Beyond the decision of the director, it is noted that the applicant was arrested by United States Border Patrol Agents on August 24, 1985, and placed in deportation proceedings. (██████████). The applicant indicated on

the Form I-821 that he is not now, and never has been, in deportation proceedings. Therefore, the applicant may also be excludable under section 212(a)(6)(C)(i) for willful misrepresentation of a material fact in order to an immigrant benefit.

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.