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U.S. Citizenship
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Services

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[Redacted]

FILE:

[Redacted]

Office: Vermont Service Center

Date: MAR 21 2005

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:

[Redacted]

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DISCUSSION: The applicant's Temporary Protected Status (TPS) was withdrawn by the Director, Vermont Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal. The director's decision will be withdrawn and the appeal will be sustained.

The applicant is a native and citizen of Honduras who was granted TPS on March 1, 2000.

TPS shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner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) INA. 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 within thirty (30) days before the end of each 12-month period after the granting of TPS. 8 C.F.R. § 244.17(c).

The record reveals that on March 1, 2000, the director approved the application for TPS. The record does not reflect an attempt by the applicant to re-register during the 2001-2002 re-registration period.

On December 30, 2002, the director notified the applicant that her TPS would be "withdrawn unless you can submit additional evidence to show that you had registered on time or that you had a good reason for not registering."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 stated that she was not working at the time of re-registration and had no money to pay the fees. The applicant also stated that she has three children who are fully dependent on her to support them.

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 1, 2003.

On appeal, the applicant again explains that she has demonstrated good cause for her failure to register for TPS, and reiterates the previous assertions. It is noted that the representative had indicated that additional evidence would be provided within 30 days. To date, no additional evidence has been submitted. Therefore, the record must be considered complete.

In this case, the applicant provided an explanation for her failure to re-register and it does not appear that the applicant "willfully" failed to re-register during the 2001-2002 re-registration period. Therefore, the director's decision will be withdrawn, and the appeal will be sustained.

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.