

U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

Identity information related to
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FILE:



Office: Nebraska Service Center

Date: NOV 02 2005

[LIN 01 159 50032]

IN RE:

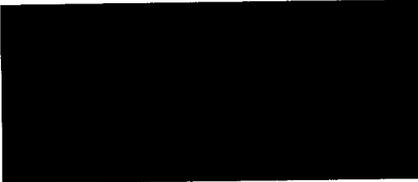
Applicant:



APPLICATION:

Application for Temporary Protected Status under Section 244 of the Immigration
and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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

DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Nebraska Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal.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

The applicant is a native and citizen of El Salvador who was granted Temporary Protected Status on September 8, 2001. The director subsequently withdrew the applicant's Temporary Protected Status on February 24, 2004, when it was determined that the applicant had failed to submit the required annual re-registration for a 12-month period subsequent to the approval of his application.

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Temporary Protected Status shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner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) INA.

The record reveals that on September 8, 2001, the director approved the application [LIN 01 159 50032] for Temporary Protected Status. The record also reveals that the applicant subsequently re-registered for the 2003-2004 period. However, the record does not reflect an attempt by the applicant to re-register for the 2002-2003 period.

On September 18, 2003, the director notified that applicant of his intent to withdraw the approval of the applicant's TPS because the record indicated that the applicant did not re-register for temporary protected status for the time period 2002-2003. The applicant responded to the director's request on October 2, 2003, and submitted copies of his Employment Authorization card valid from May 24, 2001 to September 9, 2002, a copy of his El Salvadoran passport; and a copy of his Colorado Driver License. The applicant also submitted a letter written in Spanish. The director concluded that the applicant had failed to establish that he had successfully re-registered for the 2002-2003 period, and withdrew the applicant's TPS on February 24, 2004.

On appeal, the applicant provides a copy of a previously filed TPS application signed on August 13, 2003, a copy of a receipt notice dated August 13, 2003, for his application for employment authorization; a copy of his counsel's business card; a copy of a previously filed appeal dated November 6, 2003; a copy of his DBI Tenprinter Applicant Information Worksheet dated August 22, 2001; a copy of his El Salvadoran passport and Colorado State Driver License; and a copy of his Employment Authorization card, valid for the period from May 24, 2001 to September 9, 2002.

A review of the record of proceedings reflects that the applicant has not provided any evidence, such as money order receipts or receipt notices, from Citizenship and Immigration Services (CIS) to establish that a re-registration had been filed for the 2002-2003 period. Consequently, the director's decision to withdraw the applicant's 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.