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U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: NEBRASKA SERVICE CENTER

Date: NOV 02 2005

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*

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The applicant's temporary protected status was withdrawn by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office on appeal.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

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 he had successfully re-registered for temporary protected status during the re-registration period for 2002-2003. The director, therefore, withdrew the applicant's temporary protected status, although the applicant appears to have submitted three timely applications, with fees, before he received this decision.

On appeal, the applicant states that he is not submitting a separate brief or evidence, but refers to other submissions previously filed by the applicant.

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.

On July 7, 2003, the director notified the applicant of the intent to withdraw his temporary protected status because the record reflected that he had failed to re-register for TPS during the re-registration period between July 6, 2002 to July 5, 2003. The applicant was granted 30 days to submit evidence to show that he had re-registered for TPS. The applicant failed to respond. The director determined the applicant had failed to submit evidence to establish that he had filed for re-registration during the required period and, therefore, withdrew the applicant's temporary protected status.

The record indicates that a TPS application, LIN-01-248-53334, was actually approved on June 29, 2002. Another application was submitted on September 27, 1999.<sup>1</sup> Re-registration applications were submitted by the applicant on August 2, 2000, and June 23, 2001. The applicant appears to have submitted three timely applications, with fees, before he received this decision. In this case, it does not appear that the applicant "willfully" failed to re-register. Therefore, the director's decision to withdraw the applicant's Temporary Protected Status, will, itself, be withdrawn and the application will be approved.

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 met this burden.

**ORDER:** The appeal is sustained.

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<sup>1</sup> This appeal was deemed abandoned on November 27, 2000, but reopened on November 30, 2000.