

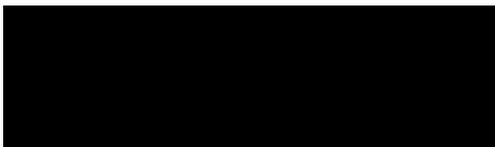
**Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy**

U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. A3042  
Washington, DC 20529



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

**PUBLIC COPY**



*M*

FILE: [REDACTED]  
[LIN 98 238 51475]

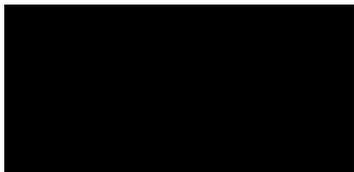
Office: NEW YORK

Date: SEP 29 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:



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**DISCUSSION:** The applicant's Temporary Protected Status (TPS) was withdrawn by the District Director, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of The Republic of the Sudan who was granted TPS based upon his application during the initial registration period. The director subsequently withdrew the applicant's status on May 19, 2003, when it was determined that the applicant had failed to register for TPS during the period November 9, 1999 through November 2, 2000.

An alien who has been granted TPS must register annually with the district office or service center having jurisdiction over his or her place of residence. 8 C.F.R. § 244.17(a).

TPS shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner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 Secretary of the Department of Homeland Security. Section 244(c)(3)(c) INA.

The record reflects that on August 13, 1998 and again on June 8, 1999, the director approved the applicant for TPS. However, the record does not reflect an attempt by the applicant to re-register for the 2000-2001 period. The record show that he failed to re-register for the 2001-2002, 2002-2003 2003-2004 periods as well.

On appeal counsel acknowledges that the applicant did not maintain his previously approved TPS application. Counsel argues that the applicant did try to re-apply for his TPS at the New York City office of Citizenship and Immigration Services (CIS) but was told by an information officer that his applicant would be approved and the new card mailed to him without his need to do anything. Counsel states that equity and fairness mandates that his application be approved as filed late since he relied upon the advice of a CIS agent in 1999. Counsel submits no evidence to support his assertions. It is noted that he assertions of counsel do not constitute evidence. *Matter of Obaighena*, 19 I&N Dec. 533, 534 (BIA 1988).

On appeal, the applicant has not provided any evidence such as a money order receipt or a receipt from CIS to establish that a timely re-registration had been filed for the 2000-2001, 2001-2002, 2002-2003 2003-2004 periods. Consequently, the director's decision to withdraw the applicant's Temporary Protected Status is affirmed.

It is noted that on March 30, 1994, the applicant failed to appear in exclusion proceedings before an immigration judge in New York based upon his purported use of a counterfeit Form I-512, Authorization for Parole of an Alien into the United States, to enter this country. At that time, the judge decided to take no further action in the matter until such time as the applicant could be located and the matter recalendared for further proceedings.

An alien applying for Temporary Protected Status has the burden of proving that he or she meets the above requirements 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.