



U.S. Citizenship  
and Immigration  
Services

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[REDACTED]

FILE:

[REDACTED]

Office: Nebraska Service Center

Date: JAN 05 2006

[LIN 02 234 51530]

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**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn by the Director, Nebraska Service Center, and the case is now before the Administrative Appeals Office on appeal. The director's decision itself will be withdrawn and the appeal will be sustained.

The applicant is a native and citizen of Honduras who was granted Temporary Protected Status (TPS) on April 10, 2000. The director subsequently withdrew the applicant's Temporary Protected Status on January 13, 2003, when it was determined that the applicant had failed to submit a required annual re-registration.

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).

The director may withdraw the status of an alien granted Temporary Protected Status 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 Temporary Protected Status. 8 C.F.R. § 244.17(c). Temporary Protected Status shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner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 April 10, 2000, the director approved the application for Temporary Protected Status. The record does not reflect an attempt by the applicant to re-register for the 2001-2002 period.

On December 2, 2002, the director notified the applicant that his Temporary Protected Status would be withdrawn unless he submitted additional evidence to show that he had filed for extension of Temporary Protected Status.

In response, counsel explained that the applicant did not willfully fail to re-register for TPS after the initial grant of TPS. Counsel maintained that the applicant's failure to re-register during the 2001 to 2002 period was due to the applicant's ignorance of the re-registration period and his lack of knowledge as to the location of information related to the re-registration process. Counsel also stated that the applicant attempted to file for re-registration in September 2001, but the application was returned to him for a reason the applicant described to him as a fee waiver issue. According to counsel, the applicant attempted to re-file the TPS application in November 2001, but the application was rejected on November 29, 2001, because the August 6, 2001 re-registration deadline had passed. The applicant subsequently filed for re-registration for the 2002-2003 period.

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 January 13, 2003.

On appeal, counsel again explains that the applicant did not willfully fail to register for TPS, he initially was not aware of the requirement to re-register during a particular timeframe, he lacked funds, and that he did make an attempt to re-register when he finally learned of the requirement.

In this case, the applicant provided an explanation for his failure to re-register and it does not appear that the applicant "willfully" failed to re-register for the 2001-2002 period. There are no other known grounds of ineligibility; therefore, the director's decision will be withdrawn and the appeal will be sustained.

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 director's decision is withdrawn and the appeal is sustained.