

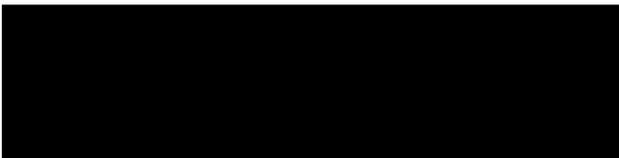
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**U.S. Citizenship
and Immigration
Services**

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FILE:



Office: Vermont Service Center

Date: **AUG 01 2007**

[EAC 99 168 50793]

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal.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

The applicant claims to be a citizen of Nicaragua who was granted Temporary Protected Status on August 16, 1999. The director subsequently withdrew the applicant's Temporary Protected Status on March 12, 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).

Temporary Protected Status shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner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 August 16, 1999, the director approved the application for Temporary Protected Status. The record also reveals that the applicant subsequently re-registered and that an extension of his employment authorization was granted for the 2000-2001 period. However, the record does not reflect an attempt by the applicant to re-register for the 2001-2002, period.

On December 13, 2002, the director notified the applicant that his Temporary Protected Status 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."

The record does not indicate that the applicant responded.

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 March 12, 2003. On appeal, the applicant explained that he was working in New Jersey and could not get the forms to file his annual re-registration.

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).

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. However, it also appears that the applicant has failed to re-register during two subsequent re-registration periods. Therefore, the case will be remanded and the director shall fully adjudicate the application.

The AAO would note that the record as it is currently constituted does not establish the applicant's eligibility for TPS.

The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS. As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The director's decision is withdrawn. The case is remanded for further action.