

PUBLIC COPY

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



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

MI



FILE: [REDACTED] OFFICE: NEBRASKA SERVICE CENTER DATE: AUG 15 2007
[LIN 99 207 50156]

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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Nebraska Service Center, and the case is now before the Administrative Appeals Office on appeal.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

The applicant is a native and citizen of Honduras who was granted Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254, on February 10, 2000. The director subsequently withdrew the applicant's TPS on November 15, 2000, after determining that the applicant had failed to establish that he had re-registered for TPS during the re-registration periods between July 6, 1999 and July 5, 2000, and between July 6, 2000 and July 5, 2001.

On appeal, the applicant states that he had previously sent his TPS application and employment authorization forms in the same package. He claims that he has a receipt stating that the employment authorization forms were received.

Temporary Protected Status shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner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

Persons applying for TPS offered to Hondurans must demonstrate that they have continuously resided in the United States since December 30, 1998, and that they have been continuously physically present since January 5, 1999. On May 11, 2000, the Attorney General announced an extension of the TPS designation until July 5, 2001. Subsequent extensions of the TPS designation have been granted with the latest extension valid until January 5, 2009, upon the applicant's re-registration during the requisite time period.

The record reveals that the applicant filed his application to register for TPS during the initial registration period on June 22, 1999, under receipt number LIN 99 207 50156. The TPS application was approved on February 10, 2000. On November 15, 2002, the applicant was advised of the director's intent to withdraw his TPS status based on his failure to re-register during the re-registration periods between July 6, 1999 and July 5, 2000, and between July 6, 2000 and July 5, 2001. The applicant was granted 30 days in which to submit evidence to show that he had re-registered for TPS during the requisite periods. The director noted that the evidence furnished by the applicant, in response to his request, did not overcome the grounds for withdrawal, and withdrew the applicant's TPS on December 31, 2002.

The applicant, on appeal, claims that he sent his TPS application and employment authorization forms in the same package, and that he has a receipt stating that the employment authorization forms were received. He provides a copy of a mailer from the Service, dated August 24, 2001, indicating that his application for employment authorization was approved.

A review of Citizenship and Immigration Services (CIS) computer records reflects that the applicant appears to have re-registered for TPS each year: on August 1, 2000 (receipt number LIN-00-223-50333), on August 1, 2001 (receipt number LIN-01-232-50750), on July 9, 2002 (receipt number LIN-02-230-50816),¹ and on June 2, 2003 (receipt number LIN-03-191-50782). However, although the CIS computer records show that the applicant re-registered on August 1, 2000, they do not show that a fee had been accepted, nor are the Forms I-765 and I-821 contained in the record of proceeding.

¹ This receipt number (LIN-02-230-50816) was incorrectly listed by the director as the receipt number for the approved Temporary Protected Status that was subsequently withdrawn and the subject for this appeal.

The evidence contained in this file is not sufficient to support the director's decision of denial. Therefore, the case will be remanded. The director shall review all CIS records pertaining to this applicant and all files relating to this individual's TPS application shall be consolidated into the record of proceedings, and the director shall issue a new decision. 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 appropriate action consistent with the above discussion and entry of a new decision.