

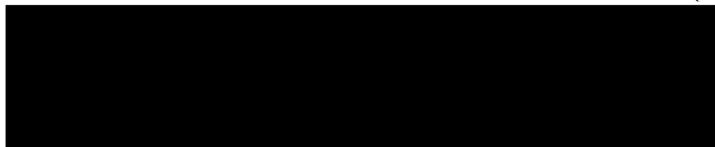
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U.S. Citizenship
and Immigration
Services

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DEC 06 2007

FILE:



OFFICE: Vermont Service Center

DATE:

[EAC 99 222 51640]

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, Chief
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center.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 The director's decision will be withdrawn and the appeal will be sustained.

The record indicates that the applicant is a national of Honduras who was granted Temporary Protected Status (TPS) on December 7, 2000. The director subsequently withdrew the applicant's TPS on December 5, 2002, on the ground that the applicant had failed to file a required annual re-registration.

The director may withdraw the status of an alien granted TPS under section 244 of the Act if the alien fails, without good cause, to register annually with the Attorney General within 30 days before the end of each 12-month period after the granting of TPS in a form and manner specified by the Attorney General. *See* section 244(c)(3)(C) of the Immigration and Nationality Act (INA) and 8 C.F.R. § 244.17(c).

The record shows that the initial Application for Temporary Protected Status (Form I-821) was approved by the director on December 7, 2000. On September 26, 2002, however, the director notified the applicant that he had failed to re-register for TPS for the registration period of July 6, 2001 – July 5, 2002, and that his TPS would be withdrawn unless he provided "evidence to show that you had registered on time or that you had a good reason for not registering."

After the applicant failed to respond within the required 30 days, the director notified the applicant by letter on December 5, 2002, that his TPS had been withdrawn.

The applicant filed a timely appeal, in which he acknowledges his failure to re-register for the registration period of July 6, 2001 – July 5, 2002. The applicant states that he was mistakenly advised to refrain from re-registering for TPS because he had not yet received his employment authorization card. The record reveals that the applicant did file an Application for Employment Authorization (Form I-765) with the Vermont Service Center on June 12, 2002.

The AAO determines that the applicant has provided a credible explanation for his failure to re-register for TPS, and it does not appear that the applicant willfully neglected to re-register for the one-year period in 2001-02. The record does not reveal any other grounds of ineligibility for TPS. Accordingly, 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 that burden.

ORDER: The director's decision is withdrawn and the appeal is sustained.