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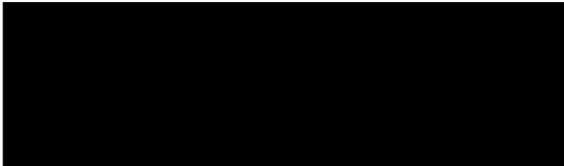


FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: DEC 07 2007
[SRC 99 224 50128]

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DISCUSSION: The applicant's Temporary Protected Status (TPS) was withdrawn by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal.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

The applicant is a native and citizen of Honduras who was granted TPS on February 10, 2002. The director subsequently withdrew the applicant's status on March 19, 2007, because the applicant failed to respond to a notice of intent to withdraw requesting he submit evidence to establish continuous physical presence and continuous residence since being granted TPS.

On appeal, counsel acknowledges that the applicant entered the United States on February 16, 2004. Counsel forwards a copy of the applicant's passport and argues that this provides proof that he was granted advance parole until February 15, 2005. Counsel states that the applicant is an alien who has remained continuously present in the United States and is otherwise eligible for the relief sought.

The regulations at 8 C.F.R § 244.14(a)(2) provide for the withdrawal of TPS if the alien has not remained continuously physically present in the United States from the date he was first granted TPS.

The applicant filed a Form I-821, Application for Temporary Protected Status, on January 6, 2005, and indicated that he was re-registering for TPS. On his application, he stated that he entered the United States on February 16, 2004. Review of his entry stamp in his passport confirms that he was admitted into the United States at Houston, Texas, on February 16, 2004, and that he was paroled into the country on a humanitarian basis until February 15, 2005.

On appeal, counsel acknowledges that the applicant entered the United States on February 16, 2004, and argues that the information in the applicant's passport proves that he was granted advance parole until February 15, 2005. There is no evidence in the record to indicate that the applicant sought permission from Citizenship and Immigration Services before he made any trips abroad by filing a Form I-512, Authorization for Parole of an Alien into the United States. The record does show that the applicant was paroled into the United States for humanitarian reasons when he returned in 2004, but does not reflect that he was ever granted *advance* parole to be out of the country nor does the record establish the length of time that he spent aboard before returning. Therefore, he has not established that he has remained continuously physically present in the United States from the date he was first granted TPS as required by the regulations at 8 C.F.R § 244.14(a)(2). Consequently, the CSC Director's decision to withdraw TPS is affirmed for this reason.

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.