

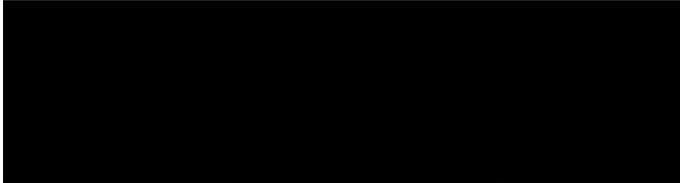
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm 3000
Washington, DC 20529



U.S. Citizenship
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Services

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FILE: [REDACTED]
[EAC 99 201 52801]

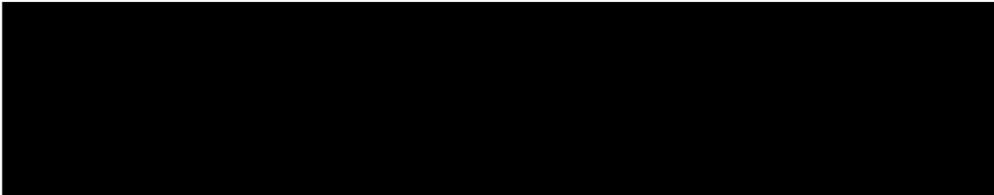
Office: Vermont Service Center

Date:

IN RE: Applicant: [REDACTED]

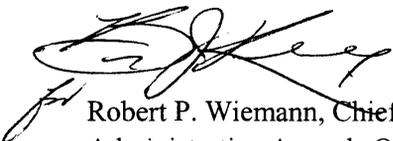
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the 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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal.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 Temporary Protected Status on April 5, 2000. The director subsequently withdrew the applicant's Temporary Protected Status on March 20, 2003, when it was determined that the applicant had failed to submit the required annual re-registration for a 12-month period subsequent to the approval of his application.

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Temporary Protected Status shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner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 April 5, 2000, the director approved the application for Temporary Protected Status. The record also reveals that the applicant subsequently re-registered for the 2002-2003 period. However, the director determined that the record does not reflect an attempt by the applicant to re-register for the 2001-2002 period.

In a letter dated November 13, 2002, the director requested that the applicant submit evidence that he had filed for re-registration for the 2001-2002 period. The applicant did not respond to the director's request; therefore, the director determined that the applicant had failed to overcome the grounds for withdrawal of the approval of his TPS. The director withdrew the applicant's TPS on March 20, 2003. It is also noted that a copy of the director's November 13, 2002 request was addressed to counsel at [REDACTED]

On appeal, counsel, on behalf of the applicant, states that the applicant was not provided "adequate legal advice" from a local business known as [REDACTED]'s Video Store" regarding his applications for TPS. Counsel further states that the applicant "followed the instructions" of the personnel at this business, and was told not to re-apply for TPS since the Immigration and Naturalization Service (Service) had not sent his initial work authorization. In addition, counsel states that the business mailed inquiries to the Service to investigate the reasons the applicant had not received his work authorization. Counsel also provides copies of United States Postal Service Return Receipts stamped "Received Center Director" from the Vermont Service Center on May 14, 1999, June 8, 2000, and May 24, 2001, purportedly for inquiries to the Service regarding the applicant's work authorization.

In addition, the applicant provides a statement, on appeal, regarding his attempts at re-registration for TPS and his work authorization. The applicant states that the office that prepared his applications mailed several inquiries regarding his work authorization sent by certified mail as evidence by the copies of the United States Postal Service return receipts provided along with his appeal. However, the record does not contain any inquiries from the applicant or a representative concerning the applicant.

The applicant states, on appeal, [that] “if I had known that not applying for work authorization in 2001 was going to have consequences in the future, I would have done it, even when I had not received anything from the INS in the past.”

The record of proceedings also contains a motion to reopen filed by another representative, Jennifer Pirro Hurley, on December 20, 2004, regarding the director’s withdrawal of the applicant’s TPS. Since the appeal was still pending with the Service at the time of filing this motion, it will be considered a supplemental brief in these proceedings. Along with this motion, the applicant provides an affidavit dated December 10, 2004, stating he did not register because he was “facing financial problems.”

The applicant clearly states that he had not re-registered for the 2001-2002 period. A review of the record of proceedings and CIS’ electronic systems also does not reflect that the applicant re-registered for TPS during the 2001-2002 period.

The applicant also states, on appeal, that he had not received any Employment Authorization card from the Service in the past, and that he had made several inquiries with the Service. A review of CIS’ systems reflects that the applicant’s initial Employment Authorization Document (EAD) was returned to the Service as “Undeliverable” on October 1, 1999. The EAD was sent to the applicant’s last known address at [REDACTED] in Farmingdale, New York, which was provided by the applicant.

It is also noted that the applicant’s subsequent application for Employment Authorization [EAC 02 234 53222] for the period 2002-2003 was denied on March 20, 2003, because the record did not contain a response to a request from the director dated December 24, 2002. It is further noted that the director’s December 24, 2002 request was also sent to counsel as well.

The applicant has not provided any evidence, such as money order receipts or receipt notices, from Citizenship and Immigration Services (CIS) to establish that a re-registration had been filed for the 2001-2002 period. Consequently, the director’s decision to withdraw the applicant’s Temporary Protected Status will be affirmed. It is also noted that the record of proceedings does not reflect that the applicant had re-registered during the 2000-2001 period as well.

Further, the record of proceedings contains a Form G-28, Notice of Entry of Appearance as Attorney or Representative, submitted by [REDACTED] on December 10, 2004; however, there is no indication in the record that [REDACTED] has been withdrawn as counsel.

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 failed to meet this burden.

ORDER: The appeal is dismissed.