



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER Date: **DEC 13 2007**
[LIN 02 295 51134]

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:

[REDACTED]

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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Nebraska Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal. The director's decision will be withdrawn and the appeal will be sustained.

The applicant is a native and citizen of Honduras who was granted Temporary Protected Status on November 20, 2000. The director subsequently withdrew the applicant's Temporary Protected Status on January 24, 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Temporary Protected Status shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner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 November 20, 2000, the director approved the application for Temporary Protected Status. The record also reveals that the applicant subsequently re-registered and that an extension of her employment authorization was granted for the 2001-2002 period. However, the record did not reflect an attempt by the applicant to re-register for the 2002-2003 period that ended July 2, 2002.

The applicant filed her re-registration application on September 26, 2002, and requested that it be accepted as a late re-registration. The director denied the re-registration application on January 22, 2003, after determining that the applicant had failed to file her application during the re-registration period that terminated on July 2, 2002. On appeal, counsel states that the applicant filed her re-registration applications (I-821 and I-765) on June 4, 2001. Counsel also states that the applicant received a notice from the Nebraska Service Center dated August 8, 2001, requesting the receipt of evidence by August 6, 2001. Counsel enclosed a copy of said notice. Counsel further states that the applicant was granted an extension on her employment authorization to October 10, 2002, and that she believed that that extension included her TPS application. Counsel states that the applicant lost contact with her attorney in California when she relocated to Missouri in 2002, and was not aware of the re-registration requirement until after the July 2, 2002, deadline date.

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 her failure to re-register and it does not appear that the applicant "willfully" failed to re-register for the 2002-2003 period. There are no other known grounds of ineligibility; therefore, 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 this burden.

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