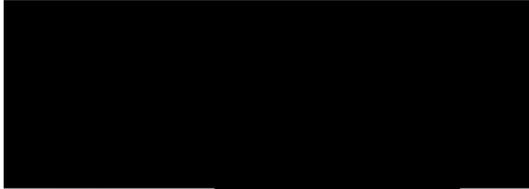


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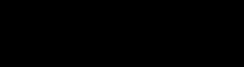
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FILE:



Office: VERMONT SERVICE CENTER

Date: JUL 05 2007

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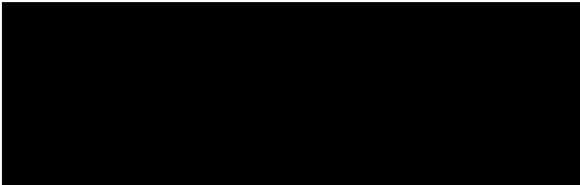
Applicant:



APPLICATION:

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

ON BEHALF OF APPLICANT:



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**DISCUSSION:** The applicant's temporary protected status was withdrawn by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is a native and citizen of El Salvador who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director determined that the applicant's Form I-601, Application for Waiver of Grounds of Excludability, was denied.

On appeal, counsel for the applicant states that the applicant never received the notice requesting evidence on the Form I-601.

The director may withdraw the status of an alien granted temporary protected status under section 244 of the Act at any time if "the alien was not in fact eligible for such status" or if "the alien fails, without good cause to [re-register...in a form and manner specified by" the Secretary. Title 8 of the Code of Federal Regulations (CFR), part 244.14(a)(1) and (3) further state that the director may withdraw the status of an alien granted TPS if "the alien was not in fact eligible at the time such status was granted, or, at any time thereafter ineligible for such status" or if "the alien fails without good cause to [re-]register.

On March 1, 2002 and again on April 18, 2002, the applicant was provided the opportunity to submit:

1. A Form I-693 medical examination from a physician approved by CIS to provide such medical examinations.
2. The HIV supplement for the Form I-693.
3. A statement from the applicant's personal physician stating that the applicant is receiving treatment, and that the applicant's condition does not pose a threat to the public health of the United States.
4. Evidence of medical insurance or other evidence of ability to pay for the applicant's medical treatment.
5. Evidence that the applicant is one of the following:
  - a. Spouse, or unmarried son or daughter, of a U.S. citizen or lawful permanent residence or a recipient of an immigrant visa, or
  - b. Parent of a son or daughter, of a U.S. citizen or lawful permanent residence or a recipient of an immigrant visa.

The applicant failed to respond to the notice and CIS denied the Form I-601 on October 11, 2002. On November 12, 2002, the director received a motion to reopen. The director denied that motion on January 23, 2003.

On appeal, counsel for the applicant states that neither she nor the applicant ever received the request for evidence regarding the Form I-693. Counsel states that the director sent a request for evidence in connection with a Form I-22. However, the applicant provides a copy of the March 1, 2002 request for evidence pertaining to the Form I-693. Furthermore, the requests were sent to the applicant, care of counsel at counsel's address of record. There is

nothing in the record to indicate that the notice was returned to CIS by the U.S. Postal Service as undeliverable. Therefore, the applicant's failure to receive the notice is of his own making. The applicant has not submitted any evidence to overcome the grounds for withdrawal. Consequently, the director's decision to withdraw the applicant's Temporary Protected Status is affirmed.

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.