

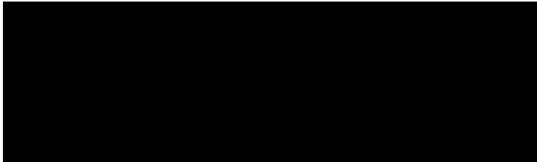
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**U.S. Citizenship
and Immigration
Services**

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: JUL 13 2007
[LIN 01 150 51135 as it relates to WAC 05 228 93859]

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: 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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, California Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal. The case will be remanded for further consideration and action.

The applicant is a native and citizen of El Salvador who was granted Temporary Protected Status on June 21, 2001. The director subsequently withdrew the applicant's Temporary Protected Status on August 3, 2006, when it was determined that the applicant had failed to submit final court dispositions.

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Temporary Protected Status shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner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 June 21, 2001, the director approved the application for Temporary Protected Status. The record also reveals that the applicant subsequently submitted a re-registration application on May 16, 2005.

On April 4, 2006, the director notified the applicant that his Temporary Protected Status would be withdrawn unless he submitted final court dispositions stemming from his November 30, 2001 arrest.

The applicant responded to the director's request for final court dispositions on May 10, 2006. However, on August 3, 2006, the director withdrew the TPS after determining that the applicant had failed to comply with the re-registration requirements.

On appeal, the applicant explains that he and his family bought a new house and as a result didn't receive the INS correspondence until late, but has complied with the director's request for evidence.

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 his failure to respond to the director's request for evidence and it does not appear that the applicant "willfully" failed to re-register. Therefore, the case will be remanded and the director shall fully adjudicate the application. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS. As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The director's decision is withdrawn. The case is remanded for further action.