



U.S. Citizenship
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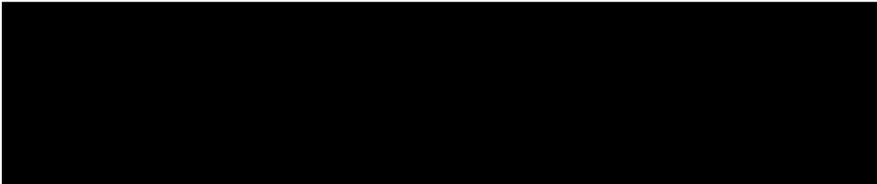


FILE: [REDACTED] OFFICE: NEBRASKA SERVICE CENTER DATE: JUL 16 2007
[LIN 99 136 51435]

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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Nebraska Service Center, and the case is now before the Administrative Appeals Office on appeal.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

The applicant is a native and citizen of Honduras who was granted Temporary Protected Status on January 21, 2000. The director subsequently withdrew the applicant's TPS on January 21, 2003, because the applicant had failed to respond to the director's notice of intent to withdraw (NOID) requesting that the applicant submit evidence to show that he had submitted the required annual re-registration 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).

The director may withdraw the status of an alien granted TPS at any time if it is determined that the alien failed 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 TPS. Section 244(c)(3)(A) of the Act and 8 C.F.R. § 244.14(a)(3).

On December 3, 2002, the director notified the applicant of the intent to withdraw his TPS status because the record indicated that the applicant's Employment Authorization Document (EAD) expired on July 5, 2000, and the record did not indicate that he had re-registered for an extension of the EAD. The applicant was granted 30 days to submit evidence to show that he had re-registered for TPS continuously each year; however, the applicant did not respond to the notice. The director, therefore, determined that the applicant had failed to submit evidence to establish that he had filed for re-registration during the required periods and withdrew the applicant's TPS on January 21, 2003.

On appeal, counsel asserts that the applicant never received a letter notifying him of the intent to withdraw his TPS. A review of the record indicates that the director's NOID dated December 3, 2002, was mailed to the applicant's attorney, at the same address counsel maintains on appeal [REDACTED]. There is no evidence that the notice was returned to the Service Center as undeliverable.

Counsel, on appeal, further asserts that the applicant did re-register for TPS in July 2000 and in June 2002. To support his claim, counsel submits a copy of Form I-821, Application for Temporary Protected Status, and a copy of Form I-765, Application for Employment Authorization, signed and dated by the applicant on July 5, 2000; he also submits a copy of Form I-821 and a copy of Form I-765 signed and dated by counsel on June 18, 2002. However, no evidence has been provided, such as money order receipts or receipts from Citizenship and Immigration Services, to establish that the re-registration applications were, in fact, filed. Simply going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972).

The applicant has not overcome the findings of the director pursuant to 8 C.F.R. § 244.14. Consequently, the director's decision to withdraw the applicant's temporary protected status will be withdrawn.

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.