



U.S. Citizenship  
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Services

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FILE: [REDACTED]  
[LIN 03 008 50143]

Office: NEBRASKA SERVICE CENTER

Date: JUL 31 2007

IN RE: 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: 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 for*  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn by the Director, Nebraska Service Center. A subsequent application for re-registration was denied by the Director, Nebraska Service Center, and is currently before the Administrative Appeals Office (AAO) on appeal. The director's decision will be withdrawn, the appeal will be sustained, and the application will be approved.

The applicant is a native and citizen of Honduras who was initially granted Temporary Protected Status on March 9, 2000. The applicant filed a re-registration application on September 10, 2002. The director denied the re-registration application on January 22, 2003, because the applicant had failed to file during the registration period that ended July 2, 2002.

On appeal, the applicant states that he was not made aware of any new re-registration period. He also states that his Employment Authorization Card (EAD) was extended until December 5, 2002, and that he knew nothing about a TPS re-registration deadline until he was told this at the unemployment office. He attaches a copy of an INS press release indicating an automatic extension of the EAD through December 5, 2002, and apologizes for any confusion on his part.

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).

In this case, the applicant provided an explanation for his 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 There are no other known grounds of ineligibility; therefore, the director's decision to withdraw TPS, itself will be withdrawn, the appeal will be sustained, and the application for TPS will be approved.

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, the appeal is sustained, and the TPS application is approved.