

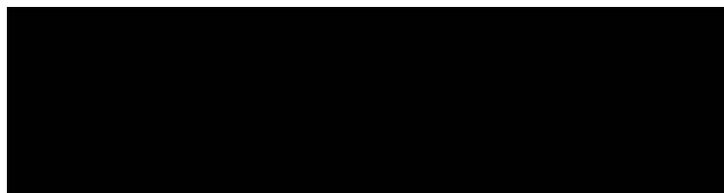
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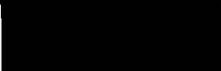
U.S. Citizenship
and Immigration
Services

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FILE:



Office: Vermont Service Center

Date:

MAY 16 2007

[EAC 99 203 50892]

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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal. The director's decision will be withdrawn and the appeal will be sustained.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 December 28, 1999. The director subsequently withdrew the applicant's Temporary Protected Status on December 27, 2002, 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).

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 annually with the Attorney General annually within thirty (30) days before the end of each 12-month period after the granting of Temporary Protected Status. Section 244(c)(3)(c) of the Immigration and Nationality Act (INA) and 8 C.F.R. § 244.17(c).

The record reveals that on December 28, 1999, 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 2000-2001 period. However, the record does not reflect an attempt by the applicant to re-register for the July 6, 2001 to July 5, 2002 period.

On October 10, 2002, the director notified the applicant that her Temporary Protected Status would be "withdrawn unless you can submit additional evidence to show that you had registered on time or that you had a good reason for not registering."

The record of proceedings does not indicate that the applicant responded to the director's notice of intent. The director concluded that the applicant had failed to overcome the grounds stated in the Notice of Intent to Withdraw and withdrew the applicant's TPS on December 27, 2002.

On appeal, the applicant asserts that the individual assisting her with her TPS application never informed her that she needed to submit an annual re-registration for the 2001-2002 period. In addition, the applicant states that due to her having moved to another address during this time, she did not receive the Service's notice of intent informing her of her failure to complete a re-registration for the period in question. Further, the applicant states (and submits some evidence) that she submitted a Form I-765, Application for Employment Authorization, in an attempt to re-register, but that she failed to submit the TPS application at that time. She states that she then re-submitted the requested documents but that the applications were then rejected because she had in fact not re-submitted the documentation by the "deadline" for re-registration.

In this case, the applicant has provided an explanation for her failure to re-register and it does not appear that the applicant "willfully" failed to re-register for the 2001-2002 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.