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[REDACTED]

FILE:

[REDACTED]
[EAC 99 198 51072]

OFFICE: VERMONT SERVICE CENTER DATE:

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:

[REDACTED]

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.

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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and the case is now before the Administrative Appeals Office on appeal.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

The applicant is a native and citizen of Honduras who was granted Temporary Protected Status (TPS) on October 13, 2000. The director subsequently withdrew the applicant's TPS status on February 7, 2003, after determining that the applicant had failed to respond to a request dated November 26, 2002, to submit evidence to show that he had re-registered for TPS.

An alien who has been granted TPS 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 under section 244 of the Immigration and Nationality 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 TPS. 8 C.F.R. § 244.14(a)(3).

In a notice of intent to withdraw (ITW) dated September 26, 2002, the applicant was informed that the record shows no evidence that he had re-registered for TPS for the periods July 6, 2000 to July 5, 2001, and July 6, 2001 to July 5, 2002, and that the approval of his TPS status will be withdrawn unless he submits evidence to show that he had re-registered for TPS, or that he had a good reason for not re-registering. The director determined that the applicant failed to respond to the ITW and withdrew the applicant's TPS on February 7, 2003.

On appeal, the applicant, through former counsel, asserts that he did not re-register for TPS during the periods referred to by the director because he was experiencing financial difficulties during the re-registration periods and he could not seek better employment because he had not received his employment authorization card.

Failure to register annually without good cause will result in the withdrawal of the alien's Temporary Protected Status. 8 C.F.R. § 244.17(c).

In this case, the applicant had provided an explanation for his failure to re-register and it does not appear that the applicant "willfully" failed to re-register for the 2000-2001 and 2001-2002 periods. There are no other known grounds of ineligibility; therefore, the director's decision to withdraw the applicant's Temporary Protected Status will, itself, be withdrawn, and the application will be approved.

An alien applying for TPS 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.