



U.S. Citizenship
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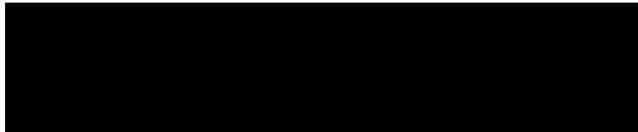
OFFICE: VERMONT SERVICE CENTER

DATE: OCT 02 2007

[EAC 99 200 50845]

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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and the case is now before the Administrative Appeals Office on appeal.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

The applicant is a native and citizen of Honduras who was granted Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254, on January 31, 2000. The director subsequently withdrew the applicant's TPS on January 3, 2003, after determining that the applicant had failed to respond to a request to submit evidence that he had re-registered for TPS during the re-registration period of July 6, 2001 to July 5, 2002.

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. § 244.17(c).

In a notice of intent to withdraw dated November 5, 2002, the director notified the applicant that the record shows he failed to register during the re-registration period of July 6, 2001 to July 5, 2002; therefore, the approval of his TPS will be withdrawn unless he submits additional evidence to show that he had registered on time or that he had a good reason for not registering. The applicant failed to respond. Therefore, the director withdrew the applicant's TPS status on January 3, 2003.

Although a Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted, neither the individual nor the organization named is authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

On appeal, the applicant asserts that he did not receive the notice to furnish evidence of good cause for failing to re-register. He states that the postal service in his area is very busy and some of his relatives have had their mail stolen because they have no safe mailboxes. The applicant also states that he failed to re-register for TPS as required because he had started a new business in 2000 and he was "broke." He states that he accumulated a great amount of debt, he became depressed when he had to give up his business in 2001, and he did not realize it was time to re-register for TPS. The applicant states that he is collecting evidence to show that he had many problems and difficulties during the re-registration period, and he would submit the evidence on or before March 5, 2003. To date, however, no additional evidence has been received. Therefore, the record must be considered complete.

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.

However, the Federal Bureau of Investigation (FBI) fingerprint results report indicates that the applicant (name used: Silverio Claros) was arrested on February 10, 2001, in Newark, New Jersey, and charged with Count 1, "receive stolen property," and Count 2, "dealing in stolen property." The FBI report also indicates that the applicant was born in New Jersey, and that he is a citizen of the United States.

The case will, therefore, be remanded in order for the director to accord the applicant an opportunity to submit arrest reports and the court's final dispositions of all of his arrests, and for consideration and discussion of all issues pertinent to this case. The director may request any other 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.