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U.S. Citizenship
and Immigration
Services



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FILE:



OFFICE: NEBRASKA SERVICE CENTER

DATE: OCT 05 2007

[LIN 02 208 52712]

[LIN 99 106 53069]

IN RE:

Applicant:



APPLICATION:

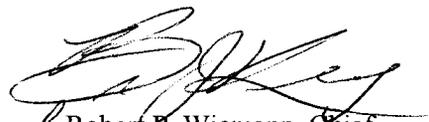
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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, 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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Nebraska Service Center, and the case is now before the Administrative Appeals Office on appeal.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 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 12, 2000. The director subsequently withdrew the applicant's TPS status on January 8, 2003, after determining that the applicant had failed to submit evidence to establish that he had successfully re-registered for TPS for the 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).

The applicant was notified on September 3, 2002, of the Service's intent to withdraw his TPS for failure to re-register for TPS for the period July 6, 2001 to July 5, 2002. The applicant was advised that the application under receipt number LIN 01 212 51298 was denied due to abandonment on November 21, 2001; therefore, the approval of the TPS will be withdrawn unless the applicant submits evidence to show that he had successfully re-registered.

On January 8, 2003, the director withdrew the applicant's TPS status after determining that the evidence submitted by the applicant did not overcome the grounds for withdrawal. The director stated on the decision that while the applicant had submitted an application for re-registration on July 3, 2001, the applicant had failed to respond to a request dated August 7, 2001, to submit additional evidence for TPS renewal; therefore, the application was denied on November 11, 2001.

On appeal, the applicant submits evidence that he did submit an application to re-register for TPS for the period July 6, 2001 to July 5, 2001. He asserts that he did not receive the director's August 7, 2001, request to submit additional evidence; therefore, he was unable to meet the director's deadline.

It is noted that the record of proceeding does not contain the application for re-registration filed on July 3, 2001; the director's request for evidence dated August 7, 2001; the director's denial decision based on abandonment dated November 11, 2001; and the application filed under receipt number LIN 01 212 51298 that the director indicated was denied due to abandonment. It is further noted that the notice of intent to withdraw and the withdrawal notice were mailed to an incorrect address [MD (Maryland) rather than MN (Minnesota)].

The evidence contained in this file is not sufficient to support the director's decision of denial/withdrawal. Therefore, the case will be remanded. The director shall review all CIS records pertaining to this applicant and all files relating to this individual's TPS application history shall be consolidated into the applicant's permanent record, and accord the applicant an opportunity to submit additional evidence to establish eligibility. The director may request any 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.