



U.S. Citizenship  
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FILE: [REDACTED] OFFICE: NEBRASKA SERVICE CENTER DATE: **OCT 17 2007**  
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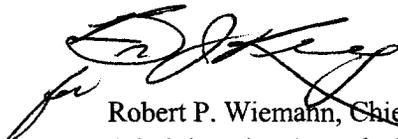
IN RE: Applicant: [REDACTED]

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

ON BEHALF OF APPLICANT: 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**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn by the Director, Nebraska Service Center (NSC), and the case is now before the Administrative Appeals Office on appeal.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 November 27, 2000. The NSC director subsequently withdrew the applicant's TPS status on January 13, 2003, after determining that the applicant had failed to respond to a request dated November 12, 2002, to submit evidence to show that she 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 November 12, 2002, the applicant was informed that the record indicates she did not file for re-registration 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periods July 6, 2000 to July 5, 2001, and July 6, 2001 to July 5, 2002, and that the approval of her TPS status will be withdrawn unless she submits evidence to show that she had re-registered for TPS. The director determined that the applicant failed to respond to the ITW and withdrew the applicant's TPS on January 13, 2003.

On appeal, the applicant asserts that she submitted applications for TPS on three occasions, and that she did respond to the notice of intent to withdraw her TPS. To support her claim, the applicant furnishes a copy of PS 3811 which reflects that an article of mail was delivered to the NSC on November 25, 2002.

It appears that the applicant did respond to the director's ITW; however, no stamp indicating a date of receipt of the response was affixed to the documents. In her response, the applicant, in a handwritten note affixed to a copy of the ITW, stated that she did re-register for TPS, and submitted a copy of PS Form 3800 as proof that an article was mailed to the NSC on June 26, 2002, and a copy of PS Form 3811 as proof that the article of mail was received at the NSC on July 1, 2002. It is noted, at this point, that this re-registration [received on July 1, 2002] is the subject of the withdrawal of the applicant's TPS. It is also noted that the record of proceeding contains Form I-797C, Notice of Action, indicating that a Form I-765, Application for Employment Authorization, was received on April 3, 2000; and a copy of Form I-765 dated September 21, 2001. The original Form I-765 is not contained in the record.

The record does not contain evidence that any documentation the applicant submitted on November 25, 2002 was entered into the record of proceeding; nor is the original Form I-765, dated September 21, 2001, contained in the record. As such, it cannot be ascertained if the applicant has overcome the grounds of withdrawal.

The case will, therefore, be remanded. The director shall review all CIS records pertaining to this applicant and all documentation received be incorporated into the applicant's file, 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.



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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 case is remanded to the director for further action consistent with the above and entry of a new decision.