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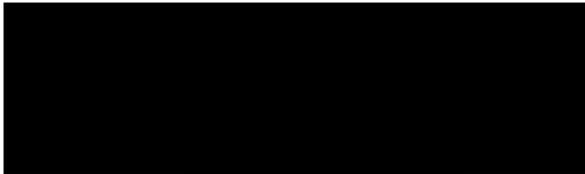
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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M,



FILE: [REDACTED]  
[EAC 01 169 51619]

Office: Vermont Service Center

Date: FEB 05 2008

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.

A handwritten signature in black ink, appearing to read "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**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal. The director's decision will be withdrawn and the application will be remanded.

The applicant claims to be a citizen of El Salvador who was granted Temporary Protected Status on February 26, 2002. The director subsequently withdrew the applicant's Temporary Protected Status on March 22, 2006, when it was determined that the applicant had failed to submit a complete 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).

Temporary Protected Status shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner specified by the Attorney General. Section 244(c)(3)(c) INA.

The record reveals that on February 26, 2002, the director approved the application for Temporary Protected Status. The record also reveals that the applicant subsequently re-registered and that an extension of his employment authorization was granted through 2004. However, the applicant's annual re-registration received on February 15, 2005, was withdrawn because the applicant failed to appear for the Biometrics portion of his annual re-registration, and subsequently failed to articulate a good cause basis for failing to appear.

On December 19, 2005, the director notified the applicant that his 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 applicant did not respond.

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 March 22, 2006. On appeal, counsel explains that the applicant lost his interview appointment slip, tried to contact CIS via an 800 number, and appeared at CIS office on the day he believed his appointment was for but was not admitted for his appointment.

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 with the Attorney General annually within thirty (30) days before the end of each 12-month period after the granting of Temporary Protected Status. 8 C.F.R. § 244.17(c). In this case the director's decision was based on the record and not technically incorrect. However, despite the fact that the applicant failed to respond to the director's requests, the AAO, in its discretion, will accept the applicant's explanation for his failure to appear for Biometrics on appeal.

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 complete his re-registration. Therefore, the case will be remanded and the director shall fully adjudicate the application. 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.

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. The case is remanded for further action.