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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER Date: FEB 25 2008
[LIN 99 164 52359]
[LIN 03 023 51119]

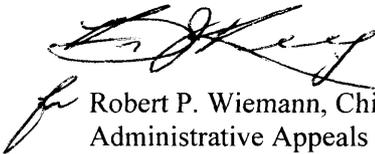
IN RE: Applicant: [REDACTED]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act (the 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.


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, (NSC) withdrew the approval of the initial application. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained.

The applicant is a native and citizen of Honduras was granted Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254, on November 13, 2000 (LIN 99 164 52359).

On May 23, 2003, the director denied the applicant's re-registration application (LIN 03 023 51119) and withdrew the approval of the applicant's initial TPS application, finding that the applicant had failed to submit requested documents, including a current photo identification document and evidence that he had filed for re-registration during the periods of July 6, 2000, to July 5, 2001, and, 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 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 record reflects that the applicant filed his initial TPS application on May 14, 1999 – during the initial registration period for Hondurans, and that the director approved the application on November 13, 2000. An approval notice was sent to the applicant and was returned as undeliverable to the director.

On October 21, 2002, the applicant filed the current application for re-registration, with the director, NSC, (LIN 03 023 51119) and alerted the director that he had never received a decision regarding his initial application. The record also reflects that the applicant filed subsequent re-registration applications on May 18, 2000, December 12, 2002, and, December 21, 2004. The record does not reflect any attempt by the applicant to re-register for the May 8, 2001, and August 6, 2001, re-registration periods.

On January 23, 2003, the director sent the applicant a notice of intent to withdraw his TPS unless he submitted a current photo identity document and additional evidence to show that he had filed for re-registration between May 5, 2000, and July 5, 2000, and between May 8, 2001, and August 6, 2001. The director did not receive a response to the request, and denied the re-registration application on May 29, 2003.

On appeal, the applicant asserts that he applied for TPS in 1999 but never received a decision on that application; that he subsequently re-registered for TPS in 2000/2001, but had also not received a decision on that application. He asserts that he did receive a decision in 2002, and that he is awaiting a decision on his 2003 re-registration.

The AAO finds good cause for the applicant's failure to properly re-register for TPS. The applicant submitted a cover letter with his November 21, 2002, re-registration application, stating that he had not yet received a decision on his initial application for TPS. The applicant stated that when he went to get fingerprinted, he notified CIS of his new address. On appeal, the applicant states that he did not receive decisions on his 2000/2001 and 2003 re-registration applications. The record does not indicate that there are any other grounds of ineligibility. Therefore, the director's decision will be withdrawn and the appeal will be sustained.

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.