



U.S. Citizenship
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FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER Date: FEB 26 2008
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INRE: Applicant

[REDACTED]

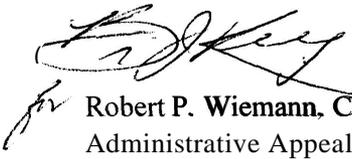
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:

[REDACTED]

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.


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's **Temporary** Protected Status was approved by the Director, Nebraska Service Center, and subsequently withdrawn. An appeal is now before the Administrative Appeals Office on appeal. The appeal will be sustained.

The applicant is a native and citizen of El Salvador who is seeking **Temporary** Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director determined that the applicant failed to establish that he had submitted his annual re-registration. The director, therefore, denied the application.

The applicant is a native and citizen of El Salvador who indicated on his application that he entered the United States without a lawful admission or parole on April 28, 2000. The director approved the application for Temporary Protected Status (TPS) on July 5, 2001. The director subsequently withdrew the applicant's **Temporary** Protected Status on February 19, 2004, when it was determined that the applicant had failed to submit evidence that he had applied for re-registration between September 9, 2002 and November 12, 2002.

Persons applying for TPS offered to El Salvadorans must demonstrate that they have continuously resided in the United States since February 13, 2001, and that they have been continuously physically present in the United States since March 9, 2001. On July 9, 2002, the Attorney General announced an extension of the TPS designation until September 9, 2003. Subsequent extensions of the TPS designation have been granted, with the latest extension granted until March 9, 2009, upon the applicant's re-registration during the requisite period.

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).

The director may deny 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).

On December 29, 2003, the applicant was provided the opportunity to submit evidence establishing that he had filed for re-registration during the re-registration period between September 9, 2002 and November 12, 2002. The director notified the applicant that his **Temporary** Protected Status would be withdrawn if he failed to reply.

In response, the applicant provided evidence in an attempt to establish continuous residence and continuous physical presence in the United States during the qualifying period.

The director concluded that the applicant had failed to overcome the grounds stated in the Notice of Intent to Deny and withdrew the applicant's TPS on **February** 19, 2004. On appeal the applicant explained that during the re-registration period he suffered financial hardship and was unable to re-register on time.

In this case, the applicant did not "willfully" fail to re-register. Therefore, the director's decision to withdraw the applicant's Temporary Protected Status, will, itself, be withdrawn and the application will be approved.

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. Here, the applicant has met this burden.

ORDER: The appeal is sustained.