



U.S. Citizenship
and Immigration
Services

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FILE:

Office: HOUSTON DISTRICT OFFICE

Date: SEP 03 2008

[SRC 01 137 54907]

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:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the Houston District Office. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status (TPS) was withdrawn by the District Director, Houston, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of El Salvador who was granted TPS. The director subsequently withdrew the applicant's status on March 16, 2007, when it was determined that the applicant had failed to submit the required annual re-registration for each 12-month period subsequent to the approval of his application.

An alien who has been granted TPS must register annually with the district office or service center having jurisdiction over his or her place of residence. 8 C.F.R. § 244.17(a).

TPS shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner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 Secretary of the Department of Homeland Security. Section 244(c)(3)(c) INA.

The record reflects that on September 12, 2002, the Director, Texas Service Center, approved TPS for the applicant under receipt number SRC 01 137 54907. The applicant subsequently applied for re-registered on November 15, 2002 and September 17, 2003, and the record reveals that an extension of his employment authorization was granted from December 9, 2003 until March 9, 2005. The record does not reflect an attempt by the applicant to re-register for the 2005-2006 and 2006-2007 periods.

The district director found the applicant had failed to establish that he had filed for annual re-registration since 2003 and withdrew the TPS on March 16, 2007.

On appeal, the applicant states:

For incorrect and wrong information from acquaintances around me I did not send any application to Re-register under such program because I thought that I didn't need to send my Re-registration to continue under the benefits of the TPS while I was detained at State of Texas Rehabilitation Services.

The applicant's statement does not excuse the applicant from filing his annual re-registration applications for the 2005-2006, and the 2006-2007 periods. Consequently, the director's decision to withdraw the applicant's TPS is affirmed.

It is noted that on September 25, 2000, the applicant was granted the opportunity to voluntarily leave the United States by January 23, 2001 by an Immigration Judge in Houston, Texas. The Judge's order further stated that if he failed to depart, the privilege of voluntary departure was withdrawn and the applicant was ordered deported from the United States to El Salvador. The record reflects that on July 29, 2002, while a juvenile, he was found guilty in the 315th District Court at Harris County, Texas, for the offense of manslaughter with a deadly weapon, (a firearm), and was sentenced to five years confinement. On May 4, 2007, he was deported from the United States.

An alien applying for Temporary Protected Status has the burden of proving that he or she meets the above requirements and is otherwise eligible under the provisions of section 244 of the Act. The applicant has failed to meet this burden.

ORDER: The appeal is dismissed.