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U.S. Department of Homeland Security
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Washington, DC 20536

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: VERMONT SERVICE CENTER Date: FEB 04 2004

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.

Cindy M. Gomez for

Robert P. Wiemann, Director
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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal.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 case will be remanded for further consideration and action.

The applicant is a native and citizen of Honduras who indicated on his application that he entered the United States without a lawful admission or parole in 1996. The director approved the application for Temporary Protected Status (TPS) on December 1, 1999. The director subsequently withdrew the applicant's Temporary Protected Status on December 24, 2002, when it was determined that the applicant had failed to submit his required annual re-registration.

Persons applying for TPS offered to Hondurans must demonstrate that they have continuously resided in the United States since December 30, 1998, and that they have been continuously physically present in the United States since January 5, 1999. On May 11, 2000, the Attorney General announced an extension of the TPS designation until July 5, 2001. Subsequent extensions of the TPS designation have been granted, with the latest extension valid until January 5, 2005, upon the applicant's re-registration during the requisite time 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). Failure to register without good cause will result in the withdrawal of the alien's Temporary Protected Status. 8 C.F.R. § 244.17(c).

The record reveals that on December 1, 1999, the director granted the application for Temporary Protected Status. However, the record does not reflect that the applicant attempted to submit any annual re-registrations.

On October 22, 2002, 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 re-registering." The applicant did not respond to this notice and the director withdrew the applicant's TPS on December 24, 2002.

On appeal, the applicant indicated that he had never received notification that his application had been approved. In support of his assertion, the applicant submitted a copy of a letter from the Director, Vermont Service Center. Through this letter, the applicant was advised that his "work permit and TPS case was [sic] approved in 1999, even though the card did not reach you it has expired as of July 2001. You should have filed an extension by now. You may try and do that now under late filing."

It appears that the applicant was not advised of the approval of his application. Furthermore, the director seems to have offered the applicant an opportunity to file for an extension. Accordingly, the director's decision of denial based on the applicant's failure to file a timely re-registration is withdrawn. The case will be remanded for a new decision based upon the evidence of record.

ORDER: The case is remanded for further consideration and action.