



U.S. Citizenship
and Immigration
Services

(b)(6)

DATE: **APR 11 2014**

Office: CALIFORNIA SERVICE CENTER

IN RE: Applicant:

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

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The re-registration application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Haiti who was granted Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254. On December 31, 2013, the director denied the re-registration application because the applicant failed to provide good cause for failing to re-register for TPS during the allotted re-registration period.

An alien who has been granted TPS must re-register periodically in accordance with U.S. Citizenship and Immigration Services (USCIS) instructions. 8 C.F.R. § 244.17(a). TPS shall be withdrawn if the alien fails, without good cause, to register. 8 C.F.R. § 244.17(b).

The record reflects that the applicant was granted TPS on October 5, 2010. The applicant attempted to file a re-registration application on April 26, 2012; however, it was rejected. The applicant filed the current TPS application on March 12, 2013.

In her notice of June 7, 2013, the director informed the applicant of his failure to re-register for TPS during the 90-day re-registration period that closed on August 22, 2011.¹ The applicant was advised to submit a written statement explaining his failure to re-register during the re-registration period of May 23, 2011 through August 22, 2011. The applicant was also advised to submit certified judgment and conviction documents from the courts for his arrests on June 30, 2011. The applicant, in response, submitted the requested court documentation, which indicated that the court entered a *nolle prosequi* in Case no. [REDACTED]. The director, in denying the re-registration application, concluded that the applicant had not submitted a written statement explaining his failure to re-register for TPS during the allotted re-registration period.

On appeal, the applicant asserts, in pertinent part:

That I was not represented during the proceedings in order to be educated on such term that I couldn't explain myself and consequently failed to timely submit a written statement explaining why I did re-register during the last extension period. I was in a state of confusion not knowing what to do, discouraged, depressed, unemployed, lacking with encouragement and the motivation to focus on the subject matter.

The above statement, however, does not explain the applicant's failure to re-register during the 2011 re-registration period. The AAO determines this statement is not sufficient to establish a finding of failure to register for good cause as stipulated in 8 C.F.R. § 244.17(b). The AAO, therefore, concludes that the applicant has not overcome the director's finding and the re-registration application remains denied.

¹ The director inadvertently indicated that the applicant was granted TPS on June 18, 2010.

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NON-PRECEDENT DECISION

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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 failed to meet this burden.

ORDER: The appeal is dismissed.