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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:

[EAC 99 135 50398]

Office: Vermont Service Center

Date: APR 01 2005

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:

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.

Robert P. Wiemann
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for re-registration was denied and Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal. The director's decision itself will be withdrawn and the appeal will be sustained.

The applicant is a native and citizen of Honduras who was granted TPS on August 14, 1999.

The director denied the application due to abandonment on October 18, 2000. The application was approved on motion dated July 6, 2000 with validity until July 5, 2001.

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).

TPS shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner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

The applicant filed a new application on May 28, 2002.

On December 16, 2002, the director notified the applicant that his TPS would be "withdrawn unless you can submit additional evidence to show that you had registered on time or that you had a good reason for not registering."

In response, the applicant states that he went to a Public Notary in Newark, New Jersey who told him that he would submit his paperwork and apparently did not. The applicant further states that when he went to look for the notary, he found the door locked.

The director concluded that the applicant had failed to overcome the grounds stated in the Notice of Intent to Withdraw and withdrew the applicant's TPS on March 31, 2003.

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 granting of TPS. 8 C.F.R. § 244.17(c).

In this case, the applicant provided an explanation for his failure to re-register and it does not appear that the applicant "willfully" failed to re-register. 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.