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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

MM

[Redacted]

FILE: [Redacted]
[EAC 99 183 51171]

Office: Vermont Service Center

Date: 03/08/2005

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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal. The director's decision will be withdrawn and the appeal will be sustained.

The applicant is a native and citizen of Honduras who was granted Temporary Protected Status on April 25, 2000. The director subsequently withdrew the applicant's Temporary Protected Status on February 27, 2003, when it was determined that the applicant had failed to submit a required annual re-registration.

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).

Temporary Protected Status shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner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 and 8 C.F.R. § 244.17(c).

The record reveals that on April 25, 2000, the director approved the application for Temporary Protected Status. The record also reveals that the applicant subsequently re-registered and that an extension of his employment authorization was granted for the 2000-2001 period.

It appears that the applicant attempted to re-register in 2001 by filing a Form I-765, Application for Employment Authorization. However, on September 24, 2001, the director returned the application to the applicant, and instructed the applicant that his application for re-registration must be accompanied by a completed Form I-821, Application for Temporary Protected Status. The record does not reflect that the applicant successfully re-registered for the 2001-2002 period.

On December 2, 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 registering."

In response, the applicant explained that he had not been able to locate a receipt for the re-registration in question.

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 February 27, 2003. On appeal, the applicant states that he did not receive the director's September 24, 2001, notice regarding the proper forms to be used in re-registering and that he would not have intentionally ignored such a notice. The applicant states that his mailing address had changed at about that same time and suggests that the notice may have been mailed to his old address.

In this case, the applicant has provided a plausible explanation for his failure to re-register and it does not appear that the applicant "willfully" failed to re-register for the 2001-2002 period. There are no other known grounds of ineligibility; therefore, the director's decision will be withdrawn and the appeal will be sustained.

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. The applicant has met this burden.

ORDER: The director's decision is withdrawn and the appeal is sustained.