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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: 

Office: Vermont Service Center

Date: FEB 02 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:



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 N. Gomez for

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status (TPS) was withdrawn by the Director, Texas Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal. The director's decision will be withdrawn and the appeal will be sustained.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 TPS on August 13, 1999.

The director subsequently withdrew the applicant's TPS on March 27, 2003, when it was determined that the applicant had failed to submit a required annual re-registration.

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TPS shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner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 record reveals that on August 13, 1999, the director approved the application for TPS. The record also reveals that the applicant applied for re-registration on June 15, 2002.

On November 26, 2002, the director notified the applicant that her TPS would be "withdrawn unless you can submit additional evidence to show that you had registered on time or that you had a good reason for not registering."

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 27, 2003.

On appeal, the applicant states that she applied for re-registration on June 5, 2000, and that she did not re-register in 2001, because she was caring for her daughter after she was involved in a car accident.

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

In this case, the applicant provided an explanation for her 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 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.