

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

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



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**



MI

FILE: [REDACTED]  
[EAC 99 210 51670]

Office: Vermont Service Center

Date: JUL 18 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.

*Robert P. Wiemann*

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**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal. The director's decision will be withdrawn and the appeal will be sustained.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 5, 2000. The director subsequently withdrew the applicant's Temporary Protected Status on November 13, 2002, when it was determined that the applicant had failed to submit a required annual re-registration.

The director may withdraw the status of an alien granted Temporary Protected Status under section 244 of the Act if the alien fails without good cause to register annually with the Attorney General annually within thirty (30) days before the end of each 12-month period after the granting of Temporary Protected Status, in a form and manner specified by the Attorney General. Section 244(c)(3)(c) of the Immigration and Nationality Act (INA) and 8 C.F.R. § 244.17(c).

The record reveals that on April 5, 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. However, the record does not reflect an attempt by the applicant to re-register for the 2001-2002 period.

On August 26, 2002, the director notified the applicant that his Temporary Protected Status would be "withdrawn unless you can submit additional evidence to show that you had registered on time or that you had a good reason for not registering."

The record does not indicate the applicant responded to the director's notice of intent. 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 November 13, 2002.

On appeal, the applicant explains that he had not been informed that his annual re-registration needed to be re-submitted within a certain timeframe. The applicant also asserts that he did endeavor to submit the required re-registration, but that it was subsequently returned to him due to having been mailed after the due date. Further, the record reveals that the applicant did attempt to apply for re-registration but that his application was rejected.

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 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.