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U.S. Citizenship  
and Immigration  
Services

MI

[REDACTED]

FILE: [REDACTED]  
[LIN] [REDACTED]

Office: NEBRASKA SERVICE CENTER

Date: JUL 29 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:

[REDACTED]

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, Director  
Administrative Appeals Office

**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn by the Director, Nebraska Service Center, and the matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Honduras who was granted Temporary Protected Status (TPS) on December 5, 2000. The director subsequently withdrew the applicant's Temporary Protected Status on October 29, 2003, when it was determined that the applicant had failed to submit the required annual re-registration for each 12-month period subsequent to the approval of her application.

On appeal, counsel for the applicant submits a brief and additional evidence.

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Temporary Protected Status shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner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)(A) of the Immigration and Nationality Act (the Act.)

The record reveals that on December 5, 2000, the director approved the applicant's Form I-821, Application for Temporary Protected Status. The record also reveals that the applicant subsequently re-registered, and that an extension of her employment authorization was granted, for the 2000-2001 and the 2001-2002 periods. The applicant did not properly file for re-registration for the 2002-2003 period.

In a letter dated August 16, 2003, the director requested that the applicant submit evidence that she had filed for re-registration for the period from July 6, 2002 to July 5, 2003. In response, the applicant submitted a photocopy of an Express Mail envelope indicating that the applicant mailed a package to the Nebraska Service Center on July 2, 2002; photocopies of two Western Union money orders dated September 7, 2002, in the amounts of \$20.00 and \$170.00, respectively; a photocopy of a cover letter that accompanied an Employment Authorization Card mailed to the applicant's daughter, [REDACTED] CIS registration number [REDACTED]; a photocopy of a money order payable to "INS," now Citizenship and Immigration Services, in the amount of \$100 issued by [REDACTED] Grocery Store on July 2, 2002; a cash receipt from the United States Postal Service in Salt Lake City, Utah, reflecting an item mailed on July 2, 2002; a photocopy of a Form I-821 signed by the applicant on June 28, 2002; and, a photocopy of a Form I-765, Application for Employment Authorization, signed by the applicant on June 28, 2002.

The director concluded that the applicant had failed to establish that she had successfully re-registered for the 2002-2003 period, and withdrew the applicant's TPS on October 29, 2003.

On appeal, counsel for the applicant asserts that the applicant mailed a re-registration application to the Nebraska Service Center on July 2, 2002. Counsel further states that the applicant has submitted proof that the Nebraska Service Center received the applicant's re-registration package on July 3, 2002. Counsel states, "[i]f the service does not have her documents in her file then they were most probably lost." Counsel submits copies of evidence previously submitted in response to the Notice of Intent to Withdraw. Counsel also submits a copy of a printout

from the United States Postal Service website indicating that the applicant's package was delivered on July 3, 2002.

The record reflects that the applicant was issued her first Employment Authorization Card on August 27, 1999, valid from August 27, 1999 to July 5, 2000. She was subsequently issued extensions of her employment authorization from July 5, 2000 to July 5, 2001, and from July 6, 2001 to July 5, 2002.

The record contains the applicant's Form I-765 that was signed by the applicant on June 28, 2002. The record indicates that this application was initially received at the Nebraska Service Center on July 3, 2002, but was rejected and returned to the applicant because the money order was not signed by the applicant or was not in the correct amount. The applicant did not resubmit the re-registration application until July 7, 2003. The application was again rejected and returned to the applicant because the proper fee of \$120 was not attached. The application was not properly filed with the Nebraska Service Center until July 30, 2003, under CIS receipt number LIN [REDACTED] 23456898 02

The evidence submitted in response to the Notice of Intent to Withdraw, and again on appeal, relates to the applicant's initial attempt to re-register on July 2, 2002. However, as previously stated, the re-registration application was rejected and returned to the applicant. Therefore, this evidence does not establish that the applicant filed a timely re-registration period for the 2002-2003 period. The application filed under CIS receipt number [REDACTED] was not properly filed with the Nebraska Service Center until July 30, 2003. This application can only be considered as a re-registration application for the 2003-2004 period, not the 2002-2003 period.

The applicant has not established that she properly re-registered for the 2002-2003 period. Consequently, the director's decision to withdraw the applicant's Temporary Protected Status will be affirmed.

It is noted that the applicant has subsequently filed a new Form I-821 with the California Service Center on February 2, 2005, under CIS receipt number [REDACTED]. As of the date of this decision, this TPS application has not been adjudicated.

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 failed to meet this burden.

**ORDER:** The appeal is dismissed.