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FILE:



Office: Nebraska Service Center

Date:

JUN 24 2005

[LIN 99 128 51354]

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.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Nebraska Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal.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

The applicant is a native and citizen of Honduras who was granted Temporary Protected Status on January 19, 2001. The director subsequently withdrew the applicant's Temporary Protected Status on November 25, 2003, when it was determined that the applicant had failed to submit the required annual re-registration for a 12-month period subsequent to the approval of her application.

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Temporary Protected Status shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner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

The record reveals that on January 19, 2001, the director approved the application [LIN 99 128 51354] 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 2003-2004 period. However, the record does not reflect an attempt by the applicant to re-register 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 2002-2003 periods. The applicant did not respond to the director's request; therefore, 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 December 2, 2003.

On appeal, the applicant states that she had filed an extension for TPS during the designated time period and that she had received a notice from the Service. The applicant also states that she had received a "number of forms" requesting proof of residence in order to complete her filing. In addition, the applicant states that she did not receive the director's August 16, 2003 notice, because her children misplaced her mail, and that she was in the process of moving. The applicant, on appeal, also provides the following documentation: a copy of her Approval Notice from the Service dated January 19, 2001, reflecting the approval of her initial TPS application [LIN 99 128 51354]; a copy of a letter from the Service dated December 18, 2003, returning her check payment. It is also noted that the applicant filed a second appeal on January 16, 2004 regarding this same application before the AAO. The applicant also submitted a copy of the Service's approval notice dated January 19, 2001, and a copy of another letter from the Service dated January 20, 2003, returning her payment again. However, the applicant has not provided any evidence, such as money order receipts or a receipt notices, from Citizenship and Immigration Services (CIS) to establish that a re-registration had been filed for the 2002-2003 period. Consequently, the director's decision to withdraw the applicant's Temporary Protected Status will be affirmed.

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.