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U.S. Citizenship
and Immigration
Services

M1

FILE:

[REDACTED]
[LIN 99 112 54089]

Office: Nebraska Service Center

Date: JUL 23 2007

IN RE:

Applicant: [REDACTED]

APPLICATION:

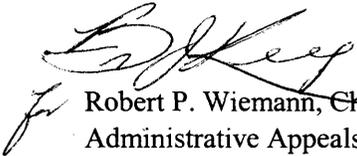
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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.


for Robert P. Wiemann, Chief
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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Nebraska Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal.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 13, 2000. The director subsequently withdrew the applicant's Temporary Protected Status on December 4, 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 his initial 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Temporary Protected Status shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner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 13, 2000, the director approved the application for Temporary Protected Status. In addition, the record reveals that the applicant subsequently re-registered for TPS on June 2, 2000; however, that extension of his employment authorization was denied on December 2, 2000, due to abandonment. The applicant filed a motion to reopen the decision, which was denied on March 8, 2001. The record does not reflect an attempt by the applicant to re-register for the 2001-2002 period. On July 19, 2002, the applicant filed another application for employment authorization; however, this application was denied on December 5, 2002.

In a letter dated October 30, 2003, the director stated that the applicant's last Employment Authorization documents expired on July 5, 2000, and that the record indicated that the applicant did not re-register or have an approved extension of his employment authorization.

On November 26, 2003, the applicant responded to the director's letter and submitted the following documentation: a copy of a Notice of Action dated July 18, 2002, indicating the receipt of the applicant's application for employment authorization; a copy of a letter dated October 30, 2001, from the Service indicating that the applicant's temporary protected status and employment authorization had been approved on July 16, 2001; and a copy of an Notice of Action from the Service dated January 13, 2000, regarding the approval of applicant's initial application for TPS filed on March 10, 1999. On December 4, 2003, the director withdrew the applicant's TPS because the applicant had failed to overcome the grounds for withdrawal.

On appeal, the applicant states that his applications for TPS and employment authorization were approved since 1999. The applicant further states that he applied for TPS every year and that he has been approved since the first time he applied. In addition, the applicant states that in the year 2000, his application was returned to him from the NSC. He also states that he sent the application back to the NSC with the requested fee, and he subsequently received his work authorization. The applicant, along with his appeal, submits the following: copies of the director's December 4, 2003 denial notice; and copies of his Wisconsin Driver License and his Social Security card.

A review of the record of proceedings reflects that the applicant's initial application for TPS [LIN 99 122 54089] was approved on January 13, 2000. According to CIS' systems, the applicant re-registered for TPS on July 12, 2000; however, this application [LIN 00 209 51699] was denied on December 2, 2000, due to abandonment. The applicant filed a motion to reopen which was denied by the director on March 8, 2001. The applicant subsequently re-registered for TPS again on July 19, 2002; however, this application [LIN 02 239 50534] was denied on December 5, 2002. The record, however, does not reflect that the applicant had re-registered for the 2001-2002 period.

The applicant has not provided any evidence, such as money order receipts or receipt notices, from Citizenship and Immigration Services (CIS) to establish that a re-registration had been filed for the 2001-2002 period. Additionally, the record does not reflect that the applicant had been granted employment authorization since July 16, 1999. Consequently, the director's decision to withdraw the applicant's Temporary Protected Status will be affirmed.

Although not addressed by the director, the record of proceedings contains a Federal Bureau of Investigation report reflecting that the applicant was arrested for the following:

- 1) On October 16, 2000, the applicant was arrested by the Green Lake Sheriff's Office and charged with "Possession of THC," "Maintain Drug Trafficking Plac," and "Resisting or Obstruction An Of," and;
- 2) On August 16, 2005, the applicant was arrested by the Fond Du Lac Sheriff's Office and charged with "Child Abuse – Intentional Cause Great Har."

In any future proceedings before CIS, the applicant must submit evidence of the final court disposition of these and any other charges against him.

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.