



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



MI

FILE: [redacted] Office: California Service Center
[SRC 99 234 50134 & WAC 05 078 70315]

Date: **MAY 02 2007**

IN RE: Applicant:

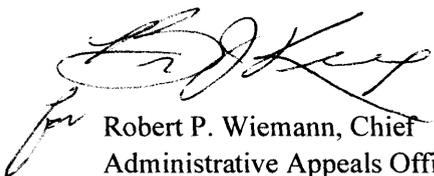


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C., § 1254

ON BEHALF OF APPLICANT: 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, Chief
Administrative Appeals Office

DISCUSSION: The applicant's temporary protected status was withdrawn by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is a citizen of Honduras who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The record reveals that the applicant filed an initial TPS application in August 1999, under CIS receipt number SRC 99 234 50134. The Texas Service Center director approved that application in March 2000.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 17, 2004, under CIS receipt number WAC 05 078 70315, and indicated that she was re-registering for TPS.

The California Service Center director simultaneously withdrew the applicant's TPS and denied the re-registration application, on July 26, 2006. The director noted that on February 7, 1999, the applicant was apprehended on entry by the Border Patrol while crossing illegally from Mexico; therefore, the applicant had failed to maintain continuous residence since December 30, 1998, and continuous physical presence in the United States since January 5, 1999.

On appeal, the applicant states that she entered the United States on February 7, 1999, and she applied for TPS because she was told that Hondurans qualified for TPS because of Hurricane Mitch. The applicant does not submit any additional evidence on appeal.

The director may withdraw the status of an alien granted temporary protected status under section 244 of the Act at any time if it is determined that "the alien was not in fact eligible for such status" or if "the alien fails, without good cause, to re-register ... in a form and manner specified by" the Secretary. The Regulations under 8 C.F.R. § 244.14(a)(1) and (3) further states that the director may withdraw the status of an alien granted TPS if, "the alien was not in fact eligible at the time such status was granted, or at any time thereafter becomes ineligible for such status," or if, "the alien fails without good cause to re-register".

It is noted that on September 26, 2005, the director notified the applicant of the intent to withdraw her temporary protected status because the record reflected that the applicant had been apprehended on entry on February 7, 1999, and therefore she does not meet the qualifying residence and physical presence requirements

After a review of the record, the Chief, AAO, concurs with the director's withdrawal decision. The record reflects that the notice of intent to withdraw was mailed to the applicant's last known address which she still maintains at time of appeal. The notice was not returned as undeliverable. Furthermore, the applicant, on appeal, admits that she entered the United States on February 7, 1999. Therefore, the applicant has not overcome the findings of the director pursuant to 8 C.F.R. § 244.14.

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.