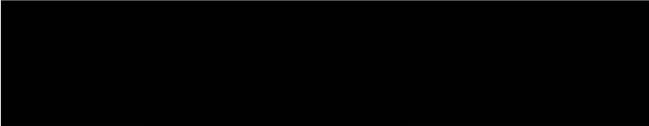


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prevent clearly **unwarranted**
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U.S. Citizenship
and Immigration
Services

PUBLIC COpy



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FILE:



Office: NEBRASKA SERVICE CENTER

Date: JAN 02/2008

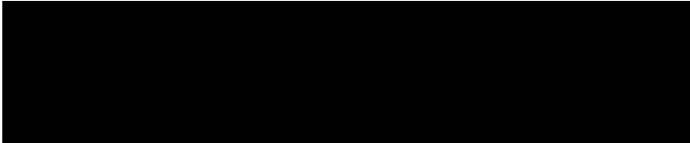
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[LIN 03 006 51427]

[LIN 03 11955579- Appeal]

INRE:

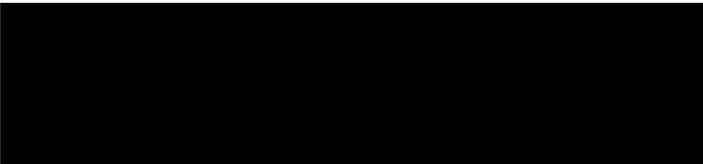
Applicant:



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, Chief
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status (TPS) was withdrawn by the Director, Nebraska Service Center (NSC), and the case is now before the Administrative Appeals Office (AAO) on appeal. The director's decision will be withdrawn and the appeal will be sustained.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 TPS on October 1, 1999, under Citizenship and Immigration Services (CIS) receipt number LIN 99 136 52144.

The director subsequently withdrew the applicant's TPS on January 24, 2003, when it was determined that the applicant had failed to submit a required annual re-registration application.

An alien who has been granted TPS 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).

TPS shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner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

On December 5, 2002, the director notified the applicant that the approval of her TPS would be withdrawn unless she provided additional evidence to show that she had re-registered for TPS during the time period between July 6, 2001, and July 5, 2002. In response, counsel explained that the applicant's failure to register was due to good cause and that she had filed an application for adjustment of status. 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 January 24, 2003.

On appeal, the applicant's counsel states that the denial of the applicant's TPS was unreasonable. Counsel also stated that the applicant filed for TPS during the initial registration period and she was granted TPS; therefore, her TPS re-registration should be granted.

A review of the record of proceedings reflects that the applicant filed her initial TPS application under CIS receipt number LIN 99 13652144. That application was approved on October 1, 1999.

In addition, a review of CIS data systems reveals that the applicant filed a TPS re-registration application on December 31, 2002, under CIS receipt number LIN 03 071 51043, and the director approved that TPS application on January 23, 2003. Further, the applicant filed a subsequent TPS re-registration application on September 29, 2003, under receipt number LIN 03 279 52603, which was also approved on December 2, 2003.

The director may withdraw the status of an alien granted TPS under section 244 of the Act if the alien fails without good cause to register with the Attorney General annually within thirty (30) days before the end of each 12-month period after the granting of TPS. 8 C.F.R. § 244.17(c).

In this case, according to the record, the applicant was subsequently granted TPS. 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 TPS 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.