

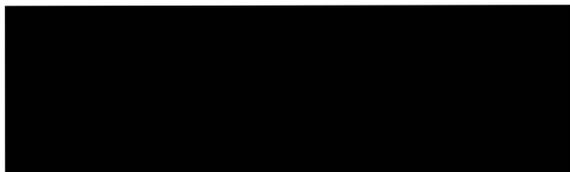
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:

[LINOI 19451355J

Office: NEBRASKA SERVICE CENTER

Date: JAN 22 2008

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:

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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status (TPS) was withdrawn by the Director, Nebraska Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal. The director's decision will be withdrawn and the appeal will be sustained.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 El Salvador who was granted TPS on August 11, 2001. The director subsequently withdrew the applicant's Temporary Protected Status on January 14, 2004, for failure to file an application for annual re-registration between September 10, 2002 and September 9, 2003.

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.P.R. § 244.17(a). 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.P.R. § 244.17(c).

On October 3, 2003, the director notified the applicant that his TPS would be withdrawn unless he submitted evidence to show that he had re-registered, or had a good reason for not re-registering, for the 2002-2003 annual re-registration period. The record reflects that the applicant failed to respond to the director's notice. The director, therefore, withdrew the applicant's Temporary Protected Status.

On appeal, the applicant states that he neglected to file a timely application for annual re-registration because the person upon whom he relied for assistance in completing the application was unavailable at the time. The applicant subsequently filed an application for annual re-registration on June 24, 2003, and apologizes for the delay in submitting his application.

The applicant has presented sufficient testimony to establish that he did not "willfully" fail to re-register for the 2002-2003 annual re-registration period. There are no other known grounds of ineligibility; therefore, the director's decision will be withdrawn and the appeal will be sustained.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.c. § 1361.

ORDER: The director's decision is withdrawn and the appeal is sustained.