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**U.S. Citizenship
and Immigration
Services**

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[REDACTED]

FILE:

[REDACTED]

Office: Nebraska Service Center

Date:

JAN 30 2008

[LIN 02 202 51223]

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:

[REDACTED]

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DISCUSSION: The applicant's Temporary Protected Status (TPS) was withdrawn by the Director, Nebraska Service Center (NSC), and the case is now before the Administrative Appeals Office (AAO) on appeal. The director's decision will be withdrawn and the appeal will be sustained.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 by the Director, Texas Service Center (TSC), on June 30, 2000. The director, NSC, subsequently withdrew the applicant's TPS on January 7, 2003, when it was determined that the applicant had failed to submit a required annual re-registration.

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).

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 Temporary Protected Status. 8 C.F.R. § 244.17(c).

The record reveals that the applicant submitted his initial TPS application to the Texas Service Center on August 20, 1999, under receipt number SRC 99 262 54094. On June 30, 2000, the TSC director, approved the TPS application. A Form I-797C, Approval Notice, was mailed to the applicant on July 1, 2000, informing him of the approval of the TPS application, with a validity period from July 1, 2000 to July 5, 2000. On July 11, 2000, the applicant attempted to re-register for TPS, but his application was rejected by the TSC director and returned to him on July 24, 2000, because his application had been filed after the July 5, 2000 deadline. The applicant was given until September 5, 2000 to resubmit his application package; however, the record does not reflect that the applicant resubmitted his application to the TSC within the designated timeframe.

The record further reveals that the applicant subsequently submitted a Form I-765, Application for Employment Authorization, to the NSC. That application was returned to the applicant on August 30, 2001, with a request that he resubmit the Form I-765 with two color photos. The applicant's Form I-765 was subsequently approved on December 20, 2001; however, the electronic record indicates "EAD not produced since adjustment granted."

On May 17, 2002, the applicant submitted another Form I-765 to the NSC. On October 18, 2002, the NSC director notified the applicant that his application for employment authorization would be denied for abandonment if the applicant did not submit a Form I-821, Application for Temporary Protected Status, and evidence that he had filed for re-registration for the period between May 5, 2000 and July 5, 2000 for an EAD issued for the period from July 6, 2000 to July 5, 2001, and during the re-registration period between May 8, 2001 and August 6, 2001, for an EAD card issued for the period from July 6, 2001 to July 5, 2002. In response, the applicant submitted evidence of his efforts to re-register for TPS; however, the director, NSC, determined that the applicant had failed to properly re-register, and withdrew the applicant's TPS on January 7, 2003.

On appeal, the applicant explains that he had not submitted evidence on time because he had been ill and he was in the process of moving from one place to another in search of work.

In this case, the applicant provided an explanation for his failure to re-register, and it does not appear that the applicant "willfully" failed to re-register for the 2000-2001 and 2001-2002 periods. 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 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 met this burden.

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