



U.S. Citizenship
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FILE: 
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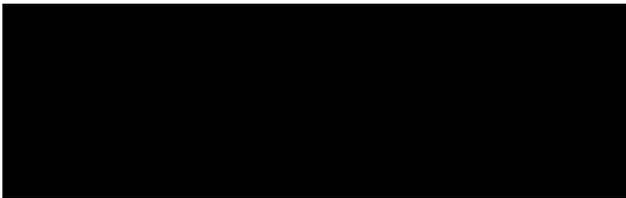
Office: Nebraska Service Center

Date: MAY 12 2008

INRE: Applicant: 

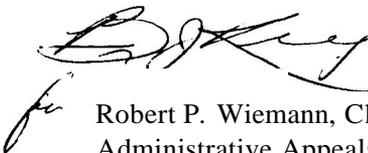
APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.c. § 1254

ON BEHALF OF APPLICANT:



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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Nebraska Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal. The director's decision will be withdrawn and the appeal will be sustained.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 Honduras who was granted Temporary Protected Status on January 26, 2000. The director subsequently withdrew the applicant's Temporary Protected Status on January 10, 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 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Temporary Protected Status shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner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 26, 2000, the director approved the application for Temporary Protected Status. On March 15, 2001, the applicant submitted a Form 1-765, Application for Employment Authorization, under receipt number LIN 01 275 50249, which was terminated by the director on April 12, 2001. The record also reveals that the applicant filed a TPS re-registration application on May 15, 2002, under receipt number LIN 0220050768.

The director may withdraw the status of an alien granted Temporary Protected Status 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).

On appeal, the applicant states that he timely filed his TPS and employment authorization applications. He also states that he provided proof of mailing these applications.

On July 1, 2002, and again on November 22, 2002, the director requested that the applicant submit evidence that he had filed for TPS re-registration for the 2001-2002 period, specifically between May 8, 2001, and August 6, 2001. In response, the applicant submitted copies of the Form 1-765 signed on March 9, 2001; a United States Postal Service Return Receipt bearing the director's signature stamp dated March 13, 2001; a United States Postal Service Certified Mail Receipt dated March 10, 2001; and a receipt notice dated March 6, 2001. The director determined that the documentation submitted by the applicant did not overcome the grounds of withdrawal; and therefore, the director withdrew the applicant's TPS on January 10, 2003.

The record of proceedings reflects that the applicant attempted to re-register for TPS on March 15, 2001, less than two months prior to the beginning of the 2001-2002 registration period (May 8, 2001). In addition, the applicant provided an explanation regarding his attempt to re-register and it does not appear that the applicant "willfully" failed to re-register for the 2001-2002 period. Further, the record of proceedings reflects that the applicant filed a subsequent TPS re-registration application on May 15, 2002. As there are no other known grounds of ineligibility. 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.