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U.S. Citizenship
and Immigration
Services

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FILE:

Office: VERMONT SERVICE CENTER

Date: OCT 30 2008

[LIN 03 120 54416, *appeal*]
[LIN 99 220 50650]

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:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the Vermont Service Center. 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DISCUSSION: The applicant's Temporary Protected Status (TPS) was withdrawn by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is stated to be a native and citizen of Honduras who was granted TPS. The director subsequently withdrew the applicant's status when it was determined that the applicant had failed to submit the required annual re-registration for each 12-month period subsequent to the approval of his application.

TPS shall be withdrawn if the alien fails, without good cause, to register annually, at the end of each 12-month period after the granting of such status, in a form and manner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 Secretary of the Department of Homeland Security. Section 244(c)(3)(c) INA.

An alien who has been granted TPS must register annually with the district office or service center having jurisdiction over his or her place of residence within a thirty day period prior to the anniversary of the grant (inclusive of such anniversary date). 8 C.F.R. § 244.17(a).

The record reflects that on October 10, 2000, the director approved the applicant's initial application for TPS under receipt number LIN 99 220 50650. Therefore, the applicant was required to file his first re-registration application by October 10, 2001.

On July 12, 2002, the director returned a Form I-821, Application for Temporary Protected Status, along with the applicant's Form I-765, Application for Employment Authorization, because he had not provided the correct fees of \$50 for the Form I-821 and \$50 for fingerprinting with his submission. The applicant evidently resubmitted his application because the record contains a Form I-821 signed by him on June 29, 2002, that was retained in the record by the director on August 6, 2002. In a letter dated December 3, 2002, the director requested that the applicant submit evidence that he had filed for re-registration for his first re-registration period.

The applicant states that he had submitted evidence to show that he had re-registered and includes a copy of a postal money order for \$100 dated June 26, 2001, payable to "INS." He provides no evidence that this money order was processed for the payment of the filing of a Form I-821 or that such an application was received by the Immigration and Naturalization Service, now Citizenship and Immigration Services (CIS).

The record reflects that the applicant filed his first re-registration application with CIS on August 6, 2002, more than ten months after his October 10, 2001 deadline had passed. The applicant has not submitted evidence to establish that he has met the criteria for annual registration described in the regulations at 8 C.F.R. § 244.2(17)(a) (*supra*). Consequently, the director's decision to withdraw the applicant's TPS is affirmed for this reason.

Furthermore, he has provided insufficient evidence to establish that he is a national or citizen of Honduras. He has provided a copy of his birth certificate along with an English translation. However, a birth certificate alone does not establish nationality. The record does not contain any photo identification such as a passport or national identity document. 8 C.F.R. § 244.2(a) and § 244.9(a)(1).

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. An alien applying for Temporary Protected Status has the burden of proving that he or she meets the above requirements 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.