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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

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



ML

DATE: DEC 30 2011 Office: VERMONT SERVICE CENTER

FILE:



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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the Vermont Service Center. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the Vermont Service Center by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of El Salvador who was granted Temporary Protected Status under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director withdrew the applicant's TPS because he failed to submit a properly completed Form I-821, Application for Temporary Protected Status (TPS).

On appeal, counsel asserts that due to ineffective assistance by his notary, the applicant failed to timely respond to the notice. Counsel asserts that the notary also failed to properly fill out the application and advised the applicant of the notice of intent to withdraw his TPS.

The director may withdraw the status of an alien granted TPS under section 244 of the Act at any time if it is determined that the alien was not in fact eligible at the time such status was granted, or at any time thereafter becomes ineligible for such status. Section 244(c)(3)(A) of the Act and 8 C.F.R. § 244.14(a)(1).

On November 1, 2010, the applicant was informed that the Form I-821 submitted for re-registration was incomplete as he failed to answer any of the questions at Part 4 of the application. The applicant was informed that all questions must be answered and the form must contain his original signature at Part 5. The applicant was given 33 days to submit a completed Form I-821.

The applicant, in response, submitted an incomplete Form I-821 as he failed to answer Part 4, item 2r on page five.

On February 14, 2011, the applicant was again informed that the Form I-821, submitted for re-registration was incomplete as he failed to answer all of the questions at Part 4 of the application. The applicant was informed that all questions, fields of information, etc., must be answered and the form must contain his signature. The applicant was given 33 days to submit a completed Form I-821. The notice was sent to the applicant's address of record. The applicant, however, failed to respond to the notice.

On May 18, 2011, the director withdrew TPS because the applicant failed to submit a properly completed Form I-821.

On appeal, counsel submits an affidavit notarized July 11, 2011, from the applicant, who indicates that the public notary "did not inform me of the notifications he received from USCIS." The applicant's assertion is without merit as both notices were mailed to his address of record, which he maintains on appeal. Furthermore, the applicant submitted a response to the first notice dated November 1, 2010.

On appeal, counsel submits a Form I-821 dated July 13, 2011, with all the questions answered. The Form I-821, however, was not signed by the applicant and, therefore, is not considered complete. The regulation at 8 C.F.R. § 103.2(a) provides:

- (2) *Signature.* An applicant or petitioner must sign his or her application or petition. However, a parent or legal guardian may sign for a person who is less than 14 years old. A legal guardian may sign for a mentally incompetent person. By signing the application or petition, the applicant or petitioner, or parent or guardian certified under penalty of perjury that the application or petition, and all evidence submitted with it, either at the time of filing or thereafter, is true and correct. Unless otherwise specified in this chapter, an acceptable signature on an application or petition that is being filed with USCIS is one that is either handwritten or, for applications or petitions filed electronically as permitted by the instructions to the form, in electronic format.

The applicant is not a minor, the application was not submitted in electronic format and no evidence has been provided to suggest that he is mentally incompetent. Further, no explanation has been provided why the applicant signed an affidavit two days earlier, but failed to sign the Form I-821. It is noted that the applicant had signed the incomplete Form I-821 submitted in response to the notice dated November 1, 2010.

Therefore, the applicant has failed to submit a properly completed Form I-821. Consequently, the director's decision to withdraw TPS will be affirmed.

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 failed to meet this burden.

ORDER: The appeal from the withdrawal of the TPS application is dismissed.