

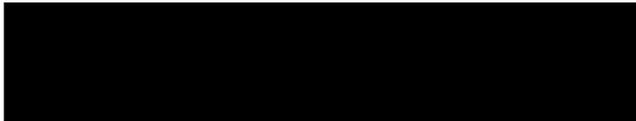
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**U.S. Department of Homeland Security**  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090



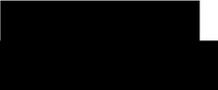
**U.S. Citizenship  
and Immigration  
Services**

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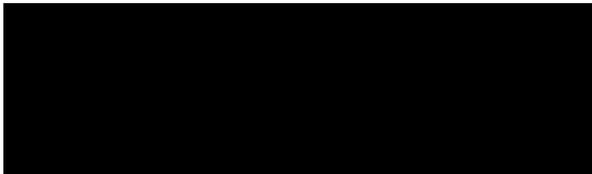
Date: **MAY 11 2011** Office: VERMONT SERVICE CENTER

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:

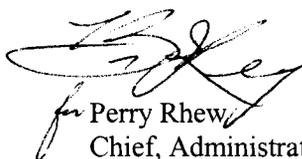


INSTRUCTIONS:

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,

  
for Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The application was initially approved by the Director, Vermont Service Center (VCS). The approval was subsequently withdrawn by the VCS director on December 23, 2010. That decision is now on appeal before the Chief, Administrative Appeals Office (AAO). The appeal will be dismissed.

The applicant is a citizen of Honduras who is applying for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director withdrew the applicant's previously-granted TPS on the ground that the applicant failed to re-register for each extension period in accordance with the Act.

On appeal, counsel asserts that the applicant had "good cause" for his failure to re-register, and therefore should not be subject to withdrawal of his TPS.

The record shows that the applicant filed his application for TPS on July 1, 1999, and that the application was approved by the VSC director on August 1, 2000.

Section 244(c)(3)(C) of the Act provides that 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 . . ." The record clearly shows that the applicant did not register for any additional periods of time after he was granted TPS in 2000.

On September 30, 2010, after receiving an Application for Employment Document (Form I-765) from the applicant, the VCS director issued a notice advising the applicant of his intent to deny the Form I-765 and to withdraw the applicant's TPS unless he submitted evidence, *inter alia*, that he had re-registered in a timely manner over the years or had good cause for failing to do so.

Counsel responded on October 13, 2010, by asserting that the applicant did not re-register for TPS after 2000 because "he never received a decision from USCIS [U.S. Citizenship and Immigration Services] regarding his initial registration" and "never received any letter or other correspondence relating to his TPS application . . ."

On December 23, 2010, the VSC director issued a decision withdrawing the applicant's TPS, stating that the evidence submitted in October 2010 did not overcome the grounds for withdrawal.

On appeal, counsel contends that the applicant has shown "good cause" for failing to re-register for TPS within the meaning of section 244(c)(3)(C) of the Act. Counsel points out that the applicant resided on [REDACTED] at the time his application for TPS was filed in 1999. According to counsel, the applicant subsequently moved to [REDACTED], and reported the change of address to USCIS, but never received any communication from USCIS thereafter regarding the outcome of his application. Counsel asserts that the applicant wrote to the VSC and visited USCIS offices in Baltimore, Maryland, but was simply told that his application was pending and that nothing further could be done. In counsel's view, these circumstances constitute "good cause" for the applicant's failure to re-register for TPS over the years.

The burden of proof is upon the applicant to establish that he or she meets the requirements for TPS. See 8 C.F.R. § 244.9(a). The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. To meet his or her burden of proof, the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. See 8 C.F.R. § 244.9(b).

While counsel claims the applicant informed the VSC of his first change of address – to [REDACTED] – there is no evidence in the record that he did so. The applicant did not file a change of address card (Form AR-11) or send a letter of any kind to the VSC. As far as the record shows the applicant did not inform the VSC, or any other office within USCIS, of the move to his current address either. The VSC does not appear to have had any knowledge thereof until the applicant filed his Form I-765 in July 2010.

Accordingly, the AAO is not persuaded that the applicant communicated his address changes to the VSC over the years, as counsel asserts. USCIS records indicate that the TPS Approval Notice was sent to the applicant on August 1, 2000, to the address provided on the application (Form I-821). There is no evidence in the record of any other address for the applicant until his Form I-765 was received ten years later.

Absent any written evidence from the applicant that he communicated his address changes between 2000 and 2010 to the VSC, the AAO determines that he has not established “good cause” for his failure to re-register for TPS in 12-month intervals after his initial approval on August 1, 2000, as required under section 244(c)(3)(C) of the Act. Therefore, the director’s decision to withdraw the applicant’s TPS will be affirmed.

An alien applying for TPS has the burden of proving that he or she meets the requirements for TPS as set forth in section 244 of the Act. The applicant has failed to meet this burden.

**ORDER:** The appeal is dismissed.