

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: JUN 12 2012 Office: VERMONT SERVICE CENTER



IN RE: [Redacted]

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

ON BEHALF OF APPLICANT: Self-represented

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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen with the Vermont Service Center by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to 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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center.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 on appeal. The case will be remanded for further consideration and action.

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

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. 8 C.F.R. § 244.14(a)(1).

On October 8, 2010, the applicant was informed that the Form I-821, Application for Temporary Protected Status, filed on August 31, 2010 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, and all fields of information must be answered and the form must contain his signature. The applicant was given 33 days to submit a completed Form I-821.

According to the director, in response, the applicant submitted another incomplete Form I-821. On March 4, 2011, the director withdrew the applicant's TPS because he failed to submit a properly completed Form I-821. On appeal, the applicant submits a completed Form I-821 dated February 9, 2011.

The record reflects that the applicant did file completed re-registration applications during past re-registration periods and he attempted to comply with the re-registration requirements when he filed his re-registration application in August 2010. Furthermore, he attempted to comply with the director's October 8, 2010 request to submit a completed application and he has submitted another completed re-registration application on appeal. Therefore, it does not appear that the applicant *willfully* failed to provide a completed re-registration application which is the sole basis for the withdrawal of TPS.

Accordingly, the case will be remanded so that the director may review the documents submitted and make a determination as to the applicant's TPS eligibility. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS. As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The case is remanded for appropriate action consistent with the above discussion and entry of a new decision.