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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: **MAR 19 2012** Office: VERMONT SERVICE CENTER

FILE: [REDACTED]

IN RE: Applicant: [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 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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center.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 on appeal. The case will be remanded for further consideration and action.

The applicant is a native and citizen of El Salvador who was granted 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 January 13, 2011, the applicant was informed that the Form I-821, Application for Temporary Protected Status, submitted for re-registration was incomplete as she failed to answer all of the questions at Part 4 (2a through 2t) of the application. The applicant was informed that all questions, and all fields of information must be answered and the form must contain her original signature. The applicant was granted until February 15, 2011 to submit a completed Form I-821. On June 3, 2011, the director withdrew TPS because it was determined that the applicant had failed to submit a properly completed Form I-821.

On appeal, the applicant asserts that she complied with the director's notice by sending a completed Form I-821. As evidence, the applicant submits a PS Form 3800, Certified Mail Receipt, from the U.S. Postal Service, which reflects that an item was delivered to the Chicago Lock Box Facility in the state of Illinois. The notice of January 13, 2011, however, specifically instructed the applicant to submit the completed Form I-821 to the Vermont Service Center in St. Albans, Vermont.

The record reflects that the applicant had filed completed re-registration applications since February 2005. Therefore, it can be concluded that the applicant did not willfully fail to complete the re-registration application submitted in September 2010. It appears that the applicant attempted in good faith to comply with the director's notice of January 13, 2011, but instead of mailing the Form I-821 to the address of the Vermont Service Center, the applicant mailed the form to the address of the Chicago Lock Box.

On appeal, the applicant submits a copy of a properly completed Form I-821 that she indicates was submitted in response to the notice issued on January 13, 2011. Therefore, the applicant has overcome the sole basis for the withdrawal of TPS. Accordingly, the director's decision to withdraw the applicant's TPS will, itself, be withdrawn.

The director's denial of the application for re-registration or renewal is dependent upon the adjudication of the initial application. Since the withdrawal of the initial application has been withdrawn, the director's decision on the re-registration application will also be withdrawn.¹

¹ USCIS records reflect that the re-registration application () was denied on May 25, 2011.

The case will be remanded to the director for further adjudication of the application. The director may request any additional evidence that he considers pertinent 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.