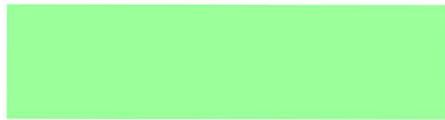


(b)(6)

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



U.S. Citizenship
and Immigration
Services



DATE: JUN 06 2013

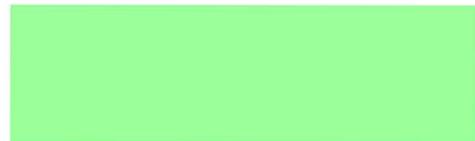
Office: VERMONT SERVICE CENTER

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:



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 in accordance with the instructions on 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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Acting 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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center.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 Honduras 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 determined that the applicant failed to submit evidence to establish that she had successfully re-registered for TPS status during the registration period. The director, therefore, withdrew the applicant's TPS.

On appeal, counsel asserts that the director's decision to withdraw TPS was premature as the deadline to submit the requested information has not yet passed. Counsel asserts that the applicant relied on the services of a notary to assist her with the completion of her TPS renewal packet.

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 failed without good cause to register with the Secretary annually within thirty (30) days before the end of each 12-month period after the granting of TPS. 8 C.F.R. § 244.14.

The burden of proof is upon the applicant to establish that he or she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by U.S. Citizenship and Immigration Services (USCIS). 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. 8 C.F.R. § 244.9(b).

The record reflects that the applicant properly filed her application to register for TPS during the initial period of registration on August 16, 1999. The application was approved on May 11, 2000. The applicant filed an application for an extension of her employment authorization (Form I-765), which was received on January 13, 2012. However, the required application for re-registration, Form I-821, was not submitted. It must be noted for the record that the re-registration period began on November 4, 2011 and ended January 5, 2012.

The director, in his decision of May 24, 2012, inadvertently noted that a notice had been issued "[o]n or about May 22, 2012." The record reflects that the notice was dated "March 27, 2012" and it notified the applicant that the required Form I-821 had not been submitted with the Form I-765. Therefore, counsel's assertion that the decision to withdraw TPS was premature as the deadline to submit the requested information has not yet passed has no merit.

The notice of March 27, 2012 advised the applicant to either submit a copy of the USCIS receipt notice if she had filed the required Form I-821 or submit a completed Form I-821 with biometric fee. The applicant was granted 33 days to submit the requested documentation. The applicant, however, failed to respond. The director determined the applicant had failed to submit evidence to

establish that she had filed for re-registration during the required period and withdrew the applicant's TPS.

Counsel, on appeal, asserts that the notary (notario), who assisted with the completion of the applicant's TPS renewal packet, is neither a licensed attorney or otherwise qualified to render legal advice on matters related to immigration laws. Counsel states that the applicant did not understand the extent to which relying on notary services could affect her immigration status. Counsel states that the applicant was at the end of her last trimester of pregnancy during the 30-days period prior to the anniversary date for TPS renewal; that she gave birth to her son on February 23, 2012; that she was subject to limited physical mobility during her postpartum recovery that lasted approximately six weeks; and that the applicant lost contact with the notary as she (the notary) was unavailable due to her own hospitalization.

Counsel submits an affidavit from the applicant who indicates that [REDACTED] assisted her with the preparation and submission of her most recent and previous applications to renew her TPS. The applicant states that she had trouble communicating with Ms. [REDACTED] during the recent TPS renewal period due to her pregnancy and postpartum recovery process, and because Ms. [REDACTED] was also hospitalized for an extended period of time.

The record reflects that a completed re-registration packet prepared by [REDACTED] was received by USCIS on June 27, 2010 for the registration period of May 5, 2010 through July 6, 2010. The prior re-registration applications do not indicate that they were prepared by anyone other than the applicant.

Although counsel notes that the applicant was not assisted by an attorney but by a notary, there is no remedy available for an individual who assumes the risk of authorizing an unlicensed attorney or unaccredited representative to undertake representations on her behalf. *See* 8 C.F.R. § 292.1. The AAO only considers complaints based upon ineffective assistance against accredited representatives. *Cf. Matter of Lozada*, 19 I&N Dec. 637 (BIA 1988), *aff'd*, 857 F.2d 10 (1st Cir. 1988)(requiring an appellant to meet certain criteria when filing an appeal based on ineffective assistance of counsel).

The applicant had the opportunity to submit a completed Form I-821 in response to the notice of March 27, 2012;¹ however, she failed to do so. However commendable the applicant's decision may have been to make her and child's health the primary priority, it does not mitigate the applicant's failure to respond to the notice of March 27, 2012. The notice was sent over five weeks after the birth of the applicant's child.

The applicant had not established "good cause" for failure to timely re-register. Consequently, the director's decision to withdraw the status of the applicant for failing to re-register for TPS will be affirmed.

¹ The notice was sent to the applicant's address of record which she maintains on appeal.

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Page 4

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 is dismissed.