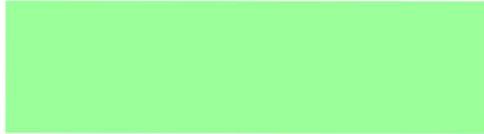




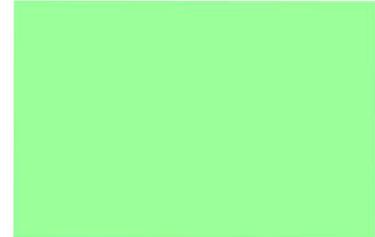
U.S. Citizenship
and Immigration
Services

(b)(6)

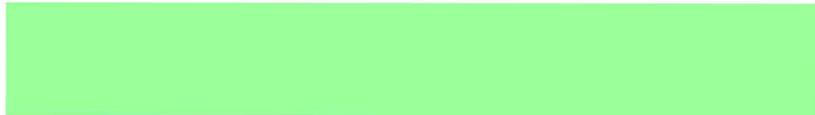


DATE: Office: VERMONT SERVICE CENTER

OCT 02 2014

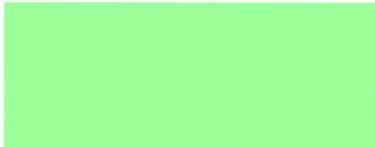


IN RE: Applicant:



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 (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements.** See also 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you.

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal.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 subsequently withdrew the applicant's TPS after determining that the applicant had failed to respond to a request to submit evidence to show that she had re-registered for TPS.

The applicant must continue to maintain the conditions of eligibility as the regulation at 8 C.F.R. § 244.17(a) provides, in pertinent part:

Aliens granted [TPS] must re-register periodically in accordance with USCIS [U.S. Citizenship and Immigration Services] instructions. Such registration applies to nationals of those foreign states designated or redesignated for more than one year by DHS [Department of Homeland Security]. Applicants for periodic re-registration must apply during the registration period provided by USCIS.... By completing the application, applicants attest to their continuing eligibility.

If an alien fails to register without good cause, USCIS will withdraw TPS. USCIS may, for good cause, accept and approve an untimely registration request. 8 C.F.R. § 244.17(b).

TPS may be withdrawn if the alien fails, without good cause, to register with DHS annually within thirty (30) days before the end of each 12-month period after the granting of such status. Section 244(c)(3)(c) of the Act and 8 C.F.R. § 244.14(a)(3).

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 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 AAO conducts appellate review on a *de novo* basis. See *Siddiqui v. Holder*, 670 F.3d 736, 741 (7th Cir. 2012). The AAO considers all pertinent evidence in the record, including new evidence submitted upon appeal.

The applicant was granted TPS on March 6, 2000, and the record reflects that her employment authorization document (EAD) under category C-19 expired on July 5, 2000. On May 11, 2000, the Attorney General (now the Secretary, Department of Homeland Security) announced an extension of the TPS designation for Honduras until July 5, 2001. Subsequent extensions of the TPS designation have been granted, with the latest extension valid until January 5, 2015, upon the applicant's re-registration during the requisite time period.

On January 24, 2012, the applicant submitted a TPS application [REDACTED], however, it was rejected on January 30, 2012 as the required fee was either incorrect or was not provided. On February 10, 2012, the applicant filed a TPS application ([REDACTED]) and indicated at Part 1 that it was her first application to register for TPS. Because the applicant had been granted TPS on March 6, 2000, the director treated the application as a re-registration for TPS instead of a late initial application.¹

USCIS records do not indicate that the applicant had filed an application to re-register for TPS prior to 2012.

On August 16, 2012, the director simultaneously issued a notice of intent to withdraw TPS and notice of intent to deny the re-registration application, requesting that the applicant submit evidence to show that she had re-registered between March 6, 2000 and the current re-registration period. The notice was sent to the applicant's address of record at the time; however, she failed to respond to the notice. On March 7, 2013, the director issued separate decisions denying the re-registration application [REDACTED] and withdrawing TPS [REDACTED]. It is noted that the decision withdrawing TPS was sent to an old address and was returned undeliverable. On October 17, 2013, the notice of decision withdrawing TPS was re-addressed and mailed to current counsel.

On appeal, counsel asserts that there is a question as to whether the applicant received the notice of August 16, 2012 as "the Applicant's address changed and she reported that address change just days before the notice of intent to deny was supposedly mailed out."

Counsel's assertion, however, is not supported by the record. USCIS records reflect that a change of address was submitted with the applicant's subsequent TPS application filed on September 14, 2012. The notice of August 16, 2012 was mailed to the address of record at the time, and there is no evidence that said notice was returned as undelivered.

Counsel asserts that pursuant to the announcement of an 18-month extension of TPS for Hondurans on November 4, 2011, the applicant submitted her application to re-register for TPS. Counsel asserts that the applicant had made good faith attempts to re-register for TPS on several occasions.

Contrary to counsel's assertion, the applicant did not re-register for TPS during the required re-registration period. While the TPS designation for Honduras was in effect from January 6, 2012 through July 5, 2013, the required 60-day re-registration period began on November 4, 2011 and

¹ The applicant would not have met the criteria for late registration eligibility as her spouse is not a TPS registrant and, at the time of the initial registration period, the applicant did not have an application for adjustment of status, change of status, asylum, voluntary departure, or any relief from removal which was pending or subject to further review or appeal. 8 C.F.R. § 244.2(f)(2).

² The director inadvertently indicated that the initial TPS application had been denied instead of withdrawn. This was a harmless error by the director, which did not affect the outcome of her decision and has not prejudiced the applicant.

ended January 5, 2012.³ As mentioned above, the applicant first submitted a re-registration application on January 24, 2012, then again on February 10, 2012.

Furthermore, since the applicant's initial application was approved there have been nine extensions of the TPS designation for Honduras coupled with nine re-registration periods for TPS. However, no evidence has been provided to establish that re-registration applications were, in fact, filed during each of the re-registration periods of the extensions of TPS designation for Honduras⁴ until February 10, 2012.

Throughout this application process, the applicant fails to provide a good cause for failing to re-register. Therefore, the current application cannot be considered under good cause exception grounds and be granted on that basis. Consequently, the director's decision to withdraw TPS status for failure to re-register for TPS during the re-registration requisite periods 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.

Finally, while not the basis for the dismissal of the appeal, the record reflects that a removal hearing was held on July 16, 1998, and the alien was ordered removed *in absentia*.

ORDER: The appeal is dismissed.

³ See 76 FR 68493 (Nov. 4, 2011).

⁴ May 11, 2000 to July 5, 2000 (65 FR 39438 May 11, 2000); May 8, 2001 to August 6, 2001 (66 FR 23269 May 8, 2001); May 3, 2002 to July 2, 2002 (67 FR 22450 May 3, 2002); May 3, 2003 to July 7, 2003 (68 FR 23744 May 5, 2003); November 3, 2004 to January 3, 2005 (69 FR 64084 November 3, 2004); April 1, 2006 to June 1, 2006 (71 FR 16328 March 31, 2006); May 29, 2007 to July 30, 2007 (72 FR 29530 May 29, 2007); October 1, 2008 to December 30, 2008 (73 FR 57138 October 1, 2008, 73 FR 71020 November 24, 2008); May 5, 2010 through July 6, 2010 (75 FR 24734 May 5, 2010); and November 4, 2011 January 5, 2012 (76 FR 68493 November 4, 2011).