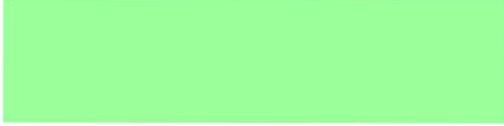




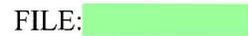
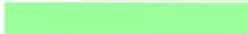
U.S. Citizenship  
and Immigration  
Services

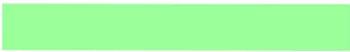
(b)(6)



DATE: SEP 26 2014

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. § 1254a

ON BEHALF OF APPLICANT: Self-represented

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.

Thank you,

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

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn and an application for re-registration was simultaneously denied by the Director, Vermont Service Center. The applicant has appealed the denial of his re-registration application.<sup>1</sup> The matter is now before the Administrative Appeals Office (AAO). The case will be remanded for further 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. On March 11, 2014, the director denied the re-registration application and withdrew TPS because the applicant failed to appear for biometrics processing.

On appeal, the applicant asserts that he never received the notice requesting that he appear for fingerprinting.

If U.S. Citizenship and Immigration Services (USCIS) requires an individual to appear for biometrics capture and the person does not appear, the benefit request shall be considered abandoned and denied unless by the appointment time USCIS has received a change or address or rescheduling request that the agency concluded warrants excusing the failure to appear. 8 C.F.R. § 103.2(b)(13)(ii)

The record reflects that on July 13, 2013, the applicant submitted the required Form I-765, Application for Employment Authorization, and Form I-821, Application for Temporary Protected Status, for re-registration.

On July 23, 2013, a Form I-797C, Notice of Action, was issued and sent to the address, [REDACTED] indicated on the applicant's Form I-765. The notice instructed the applicant to report to the USCIS, Application Support Center (ASC), in [REDACTED] Virginia on August 16, 2013 for biometrics processing. The notice, however, was returned by the U.S. Postal Service as "Attempted Not Known, Unable to Forward."

The address listed on the Form I-821, however, differs from the address on Form I-765. Specifically, the applicant listed his residence on Form I-821 as [REDACTED] USCIS records indicate that the applicant has maintained this address since March 2012.

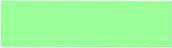
The applicant's failure to appear for biometrics processing does not appear wilful and should not be considered a failure to re-register for TPS without good cause. USCIS records reflect that the applicant has timely re-registered for TPS during the previous re-registration periods.

The director's denial of the re-registration application and the decision to withdraw TPS will be withdrawn. The case is remanded for the purpose of sending the applicant another ASC – Appointment Notice, and affording him the opportunity to comply with its requirements. Thereafter, the director will render a new decision.

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<sup>1</sup> The applicant listed the receipt number of the current Form I-821 on the appeal form.

(b)(6)



*NON-PRECEDENT DECISION*

Page 3

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 director's decision is withdrawn. The case is remanded for further action.