

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

(b)(6)

DATE: **APR 10 2015** Office: VERMONT SERVICE CENTER

FILE: [REDACTED]
I-290B: [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:
[REDACTED]

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,

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DISCUSSION: The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center.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 El Salvador who was granted Temporary Protected Status (TPS) on August 24, 2001 under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254. On February 12, 2014, the director withdrew TPS because the applicant had not established that he had successfully re-registered for TPS from March 9, 2005 to the current re-registration period, and because the applicant had also not established good cause for not re-registering.

On appeal, the applicant asserts that the reasons for his delay in re-registering for TPS were due to ignorance, misunderstanding of the process, and bad advice from his former attorney. The applicant also claims that he did not receive the notification requiring him to appear for fingerprinting nor the final decision relating to his 2005 motion.

An alien who has been granted TPS must re-register periodically in accordance with U.S. Citizenship and Immigration Services (USCIS) instructions. 8 C.F.R. § 244.17(a). TPS shall be withdrawn if the alien fails, without good cause, to register. 8 C.F.R. § 244.17(b). USCIS may, for good cause, accept and approve an untimely registration request. *Id.*

The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. 8 C.F.R. § 244.9(b). To meet his or her burden of proof the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. *Id.*

The AAO conducts appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004).

During the re-registration period of January 7, 2005 to March 8, 2005, the applicant filed a re-registration application. On September 6, 2005, the director denied that re-registration application due to abandonment as it was determined that the applicant had not appeared for fingerprinting as requested. The applicant filed a motion to reopen, which was dismissed on August 24, 2006.

The applicant filed the current re-registration application on August 8, 2013. On October 1, 2013, the director notified the applicant that USCIS records had no evidence of him re-registering for TPS from March 9, 2005 through the current re-registration period. The applicant was advised that his TPS would be withdrawn unless he provided evidence to show that he had-registered during each re-registration period or that he had a good reason for not re-registering. The applicant, however, did not respond to the notice. Accordingly, the director withdrew the applicant's TPS.

On appeal, the applicant claims he did not re-register for TPS because he never received the 2005 fingerprint notice or the decision on his motion to reopen. However, these assertions are not supported by the record. The appointment notice, which required the applicant to appear for

fingerprinting, as well as the director's decision dismissing the motion, were sent to the same address the applicant maintained on his re-registration application filed February 22, 2005, and on the motion to reopen filed September 20, 2005. Furthermore, the applicant indicates he received the September 6, 2005 decision, which was sent to the same address as the fingerprint notice and the decision on his motion to reopen. The applicant provides no explanation for why he received some notices, but not others, sent to the same address in the same timeframe.

The applicant also contends that he once tried to obtain legal advice from an attorney, but he was told that there was nothing else to be done in his case. However, we note that since the filing of the applicant's re-registration application in 2005, there have been four re-registration periods of the TPS designation of El Salvador, and the applicant has not re-registered during any of them. As such, the applicant has not explained, and consequently, he has not provided good cause for, failing to re-register during the subsequent re-registration periods. Therefore, it is determined that the applicant has not established good cause for failure to re-register as required in 8 C.F.R. § 244.17(b). Consequently, the director's decision to withdraw TPS status for failure to re-register for TPS during the re-registration periods will be affirmed.

In application proceedings, it is the applicant's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is dismissed.