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U.S. Department of Homeland Security

Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE

CIS, AAO, 20 Mass, 3/F

425 I Street N.W.

Washington, D. C. 20536



File:

Office: Nebraska Service Center

Date: **DEC 17 2003**

IN RE: Applicant:

Application: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of Citizenship and Immigration Services (CIS) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Nebraska Service Center. A subsequent appeal was remanded to the director for further review. The application is now before the Administrative Appeals Office (AAO) on certification. The director's decision will be affirmed.

The applicant is a native and citizen of Honduras who indicated on his application that he entered the United States without a lawful admission or parole on May 27, 1995. The director denied the application for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254, because the applicant failed to establish he had: 1) continuously resided in the United States since February 13, 2001; 2) been continuously physically present in the United States since March 9, 2001; and 3) was eligible for late registration.

On appeal, the applicant asserted that he had submitted evidence to establish that he has fulfilled the requirements for TPS.

The AAO remanded the application to the director because the record of proceedings provided to the AAO was insufficient to determine if the application was an initial registration as asserted by the director, or a renewal as asserted by the applicant.

On certification the director determined that the while the July 9, 2002 application would be accepted as a late initial filing, the applicant still had not provided sufficient evidence to prove he was continuously physically present in the United States since January 5, 1999. The applicant has provided no further information on certification.

The AAO has now been provided with the applicant's entire record. A review of that record reveals that in support of his claim of continuous physical presence the applicant has provided an undated letter from his church indicating that he has been a member of the church since January 1998 and a letter from [REDACTED] Co. dated July 6, 1999 indicating that he worked for them from September 15, 1998 to March 21, 1999. While these documents indicate that the applicant was present in the United States until March 21, 1999 they do not support a claim of continuous physical presence from January 5, 1999 until the filing of the application.

ORDER: The director's decision is affirmed.