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U.S. Department of Homeland Security  
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Washington, DC 20536



U.S. Citizenship  
and Immigration  
Services



FILE: [Redacted] Office: TEXAS SERVICE CENTER Date: **AUG 31 2004**

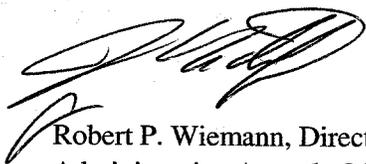
IN RE: Applicant: [Redacted]

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 of the Administrative Appeals Office 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.

  
Robert P. Wiemann, Director  
Administrative Appeals Office

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prevent clearly unwarranted  
invasion of personal privacy**

**DISCUSSION:** The application was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant states that he is a native and citizen of Honduras who is applying for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director denied the application because the applicant failed to establish that he was eligible for late registration. The director also found that the applicant had failed to submit a copy of his current driver's license as well as a copy of his national identity document.

On appeal, the applicant provides a statement, submits a Florida identification card, and resubmits materials that had previously been entered into the record.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant who is a national of a foreign state designated by the Attorney General is eligible for temporary protected status only if such alien establishes that he or she:

- (a) Is a national, as defined in section 101(a)(21) of the Act, of a foreign state designated under section 244(b) of the Act;
- (b) Has been continuously physically present in the United States since the effective date of the most recent designation of that foreign state;
- (c) Has continuously resided in the United States since such date as the Attorney General may designate;
- (d) Is admissible as an immigrant except as provided under section 244.3;
- (e) Is not ineligible under 8 C.F.R. § 244.4; and
- (f) (1) Registers for TPS during the initial registration period announced by public notice in the *Federal Register*, or
- (2) During any subsequent extension of such designation if at the time of the initial registration period:
  - (i) The applicant is a nonimmigrant or has been granted voluntary departure status or any relief from removal;
  - (ii) The applicant has an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal which is pending or subject to further review or appeal;
  - (iii) The applicant is a parolee or has a pending request for reparole; or

- (iv) The applicant is a spouse or child of an alien currently eligible to be a TPS registrant.
- (g) Has filed an application for late registration with the appropriate Service director within a 60-day period immediately following the expiration or termination of conditions described in paragraph (f)(2) of this section.

Persons applying for TPS offered to Hondurans must demonstrate that they have continuously resided in the United States since December 30, 1998, and that they have been continuously physically present since January 5, 1999. The initial registration period for Hondurans was from January 5, 1999, through August 20, 1999. The record reveals that the applicant filed his initial TPS application with Citizenship and Immigration Services (CIS), on June 23, 2003.

To qualify for late registration, the applicant must provide evidence that during the initial registration period, he was either in a valid immigration status, had an application pending for relief from removal, was a parolee, or was the spouse or child of an alien currently eligible to be a TPS registrant, and he had filed an application for late registration within 60 days of the expiration or termination of the conditions described in 8 C.F.R. § 244.2(f)(2).

The burden of proof is upon the applicant to establish that he meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by CIS. 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 burden of proof the applicant must provide supporting documentary evidence of eligibility apart from his own statements. 8 C.F.R. § 244.9(b).

On September 3, 2003, the applicant was requested to submit evidence establishing his eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2). The applicant was also requested to submit evidence of his nationality, a photocopy of his driver license, and evidence establishing his qualifying continuous residence and continuous physical presence in the United States. The applicant, in response, provided a birth certificate with translation and documentation relating to his residence and physical presence in the United States. In addition, the applicant stated in a letter dated September 22, 2003, that he had applied for TPS in 1999 through an immigration agency in Miami, Florida, that is no longer in business and, therefore, he is unable to obtain copies of the documentation.

The director determined that the applicant had failed to establish he was eligible for late registration and denied the application on October 8, 2003. The director stated that the applicant had failed to submit photocopies of his driver's license and national identity document from his country of origin bearing a photograph and/or fingerprint.

On appeal, the applicant submits a photocopy of his Florida Identification Card issued on September 24, 2003, and resubmits evidence that had previously been submitted for the record. The applicant reiterates on appeal that he applied for TPS during the initial registration period in May 1999, through an immigration consulting agency. He states he paid the agency approximately \$600, and that the agency left no forwarding information when it went out of business. On the appeal notice, the applicant indicates, "Please see copy of receipt." The receipts submitted on appeal, however, are the same rental receipts that were submitted in response to the request for additional evidence.

It is noted that the record does not include any correspondence to CIS, from the applicant, or on the applicant's behalf, that is dated during the initial registration period, or subsequent yearly re-registration periods prior to 2003. On the June 23, 2003, application, the applicant checked the box indicating that this was an initial application to register for TPS. A search of CIS records does not indicate receipt of a previous application under the applicant's name and date of birth. The applicant has not provided evidence that he registered for TPS during the initial registration period.

The applicant, furthermore, has presented evidence in an attempt to establish his qualifying continuous residence and continuous physical presence in the United States. However, this evidence does not mitigate the applicant's failure to file his Application for Temporary Protected Status within the initial registration period. The applicant has not submitted any evidence to establish that he has met any of the criteria for late registration described in 8 C.F.R. § 244.2(f)(2). Consequently, the director's decision to deny the application for temporary protected status will be affirmed.

The director also found that the applicant had failed to submit photocopies of his driver's license and national identity document from his country of origin bearing a photograph and/or fingerprint. The applicant submitted a copy of his Florida Identification Card issued on September 24, 2003. The applicant, therefore, submitted photo identification. The applicant failed, however, to provide a national identity document from his country of origin, such as a passport or cedula, bearing a photograph and/or fingerprint. On appeal, the applicant resubmitted, as evidence of nationality, a copy of his birth certificate with translation. This birth certificate includes his photograph, bears the stamp of the Registro [REDACTED] and indicates that it was issued on June 23, 2003, at [REDACTED] Olancho, Honduras. It is noted that this document differs from the birth certificate the applicant submitted with his initial application; the initial submission contained no photograph and bears a different handwriting style. The applicant has not provided an explanation as to how he obtained the stamped document from Honduras bearing his photograph in the year 2003. It must, therefore, be concluded that the applicant failed to comply with the requirement of providing a national identity document from his country of origin, such as a passport or cedula, bearing a photograph and/or fingerprint

Beyond the decision of the director, it also is noted that the applicant has provided insufficient evidence to establish his qualifying continuous residence and continuous physical presence during the requisite time periods. Therefore, the application must also be denied for these reasons.

An alien applying for temporary protected status 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.