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**U.S. Citizenship
and Immigration
Services**

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FILE: [REDACTED]
[SRC 03 260 53500]

Office: TEXAS SERVICE CENTER Date: DEC 19 2007

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

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Texas 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 El Salvador who is seeking 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 after determining that the applicant had failed to establish she was eligible for late registration. The director also determined that the applicant failed to comply with a request to submit photo identification.

On appeal, the applicant makes a statement and submits additional evidence in support of the appeal.

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 El Salvadorans must demonstrate continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001. On July 9, 2002, the Attorney General announced an extension of the TPS designation until September 9, 2003. A subsequent extension of the TPS designation has been granted by the Secretary of the Department of Homeland Security, with validity until March 9, 2005, upon the applicant's re-registration during the requisite time period.

The initial registration period for El Salvadorans was from March 9, 2001, through September 9, 2002. The record reveals that the applicant filed her initial TPS application with Citizenship and Immigration Services (CIS), on September 16, 2003.

To qualify for late registration, the applicant must provide evidence that during the initial registration period, she met one of the requirements listed above at 8 C.F.R. § 244.2(f)(2), and she had filed an application for late registration within 60 days of the expiration or termination of those conditions. 8 C.F.R. § 244.2(g).

The burden of proof is upon the applicant to establish that she 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 her burden of proof the applicant must provide supporting documentary evidence of eligibility apart from her own statements. 8 C.F.R. § 244.9(b).

On December 22, 2003, the applicant was requested to submit evidence establishing her eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2). The applicant was also requested to submit a state-issued driver's license/identification card or a national identity document from her country of origin bearing a photograph and/or fingerprint. The applicant, in response, provided photocopies of: the biographic page of her El Salvadoran passport issued on January 14, 2004, by the Consulate General, Houston, Texas; an employment authorization card (EAD) under category [REDACTED] social security card, and State of Texas driver's license for [REDACTED] whom the applicant indicates is her half-brother and is an approved TPS registrant; and, three personal affidavits attesting to the applicant's physical presence in the United States.

The director determined that the applicant had failed to establish she was eligible for late registration and denied the application on February 2, 2004.

On appeal, the applicant states that she is sending information about another brother who is registered under the TPS program. The applicant submits an El Salvadoran cedula for [REDACTED] and photocopies of the employment authorization card (EAD) under category [REDACTED] social security card, and State of

Texas driver's license for [REDACTED] whom the applicant indicates is her brother and who also is an approved TPS registrant.

The applicant has submitted evidence in an attempt to establish her eligibility for late registration and her qualifying residence and physical presence in the United States. However, this evidence does not mitigate the applicant's failure to file her Form I-821, Application for Temporary Protected Status, within the initial registration period. It is noted that the cedula of [REDACTED] lists the same mother's name as appears on the applicant's birth certificate. However, the regulations specify that only the spouse or the child of an alien currently eligible to be a TPS registrant may qualify for late registration; the regulations do not include a provision for siblings under 8 C.F.R. § 244.2(f)(2). The applicant has not submitted any evidence to establish that she 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 determined that the applicant failed to comply with a request to submit photo identification. In the Notice of Intent to Deny, the director specified that the applicant should submit any national identity document from her country of origin bearing a photograph and/or fingerprint, such as a passport. The director also stated that an official United States or State-issued identification card, such as a driver's license, would be allowable. As noted above, in response to the Notice of Intent to Deny, and again on appeal, the applicant provided a photocopy of the biographic page of her El Salvadoran passport issued on January 14, 2004, by the Consulate General, Houston, Texas. The director erred in stating that the applicant had failed to submit photo identification, and the applicant has overcome this finding of the director.

Beyond the decision of the director, it also is noted that the applicant has provided insufficient evidence to establish her qualifying continuous residence in the United States since February 13, 2001, and her continuous physical presence in the United States since March 9, 2001. The applicant submitted affidavits from individuals attesting to her residence in the United States. The regulations do not provide that such affidavits are sufficient to establish the applicant's continuous residence and continuous physical presence, and these affidavits are unsupported by any corroborative evidence. In addition, the letter from [REDACTED] Houston, Texas, does not conform to the regulatory provisions at 8 C.F.R. § 244.9(a)(2)(v)(A) through (G). 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.