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U.S. Citizenship  
and Immigration  
Services



FILE: [Redacted]

Office: CALIFORNIA SERVICE CENTER Date:

IN RE: Applicant: [Redacted]

DEC 14 2000

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

**DISCUSSION:** The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office 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 because the applicant failed to establish she was eligible for late registration.

On appeal, the applicant submits a statement and additional evidence.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant is eligible for TPS 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 § 244.3;
- (e) Is not ineligible under § 244.4; and
- (f)
  - (1) Registers for Temporary Protected Status 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. The initial registration period for Salvadorans was from March 9, 2001, through September 9, 2002. The record reveals that the applicant filed her initial application with Citizenship and Immigration Services (CIS), on November 21, 2003.

To qualify for late registration, the applicant must provide evidence that during the initial registration period, he or she 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 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 or 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 his or her burden of proof the applicant must provide supporting documentary evidence of eligibility apart from his or her own statements. 8 C.F.R. § 244.9(b).

The director determined that the applicant had failed to establish she was eligible for late registration and denied the application on March 4, 2004.

On appeal, the applicant states that she retained the services of the Law Offices of [REDACTED] to file her initial TPS registration on her behalf on June 28, 2002. She explains that she gave the secretary at that law firm her applications and the application fees and supporting documentation and was told that her application would be sent to the California Service Center after the paperwork had been reviewed by [REDACTED]. She further states that in July 2002 she went back to [REDACTED] office to inquire as to why she had not heard from Citizenship and Immigration Services (CIS) regarding her application. She states that [REDACTED] refused to speak to her and ordered his secretary to return her original documents to her. She states that on September 2, 2002, she went to the CIS District Office in Los Angeles, California, to inquire about the status of her case, and was told that there was no indication in CIS computer records that her application had ever been filed. She states that she sent copies of the first application to the California Service Center along with a new application on September 15, 2003. The applicant states that she received a notice from CIS requesting a copy of her previous I-821 and a fee of \$50.00 for fingerprints, which she submitted with the requested documents, the money order, and a letter explaining her situation. The applicant submits the following documents in support of her claim:

1. a cash receipt dated July 14, 2002, indicating that the Law Offices of [REDACTED] Los Angeles, California, received \$200 from [REDACTED] on that date;
2. a United States Postal Service (USPS) Customer's Receipt indicating that an item was mailed to "Immigration & Naturalization Services" (now CIS) on June 28, 2002;
3. a Form I-821 completed and purportedly signed by the applicant on July 14, 2002;
4. a Form I-765, Application for Employment Authorization, purportedly completed and signed by the applicant on July 14, 2002;
5. a Form I-765 purportedly completed and signed by the applicant on September 9, 2002;
6. a Form I-821 purportedly completed and signed by the applicant on September 9, 2002;
7. a USPS certified return receipt indicating that the applicant mailed a package that was received at the California Service Center on September 24, 2003;
8. a letter from the applicant to the California Service Center dated August 30, 2003, explaining that she had attempted to file a prior Form I-821; and,
9. a notice from the California Service Center dated October 15, 2003, instructing the applicant to provide a copy of the receipt notice of her previously filed I-821 application along with the fingerprint fee of \$50.00.

Although it appears that the applicant may have retained the services of a law firm to file a TPS application in June of 2002, there is no indication in CIS computer records that such an application was ever received by CIS. None of the Forms I-821 or I-765 submitted by the applicant in an attempt to establish a timely filed application bears a stamp indicating receipt at the California Service Center. The USPS certified return receipt and the notice from the California Service Center dated October 15, 2003 relate to the current Form I-821, which was first received at the California Service Center on September 19, 2003, rejected, and subsequently properly filed with correct fees on November 21, 2003. In view of the foregoing, it is concluded the applicant has not established that she registered for TPS during the initial registration period. The applicant has not provided 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.

Beyond the decision of the director, the applicant has not provided sufficient evidence to establish nationality, identity, continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since March 9, 2001. Therefore, the application also may not be approved 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.