

Identifying data deleted to
prevent disclosure of information
invasion of personal privacy

M1

U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536

CONFIDENTIAL



U.S. Citizenship
and Immigration
Services

[Redacted]

FILE:

[Redacted]

Office: TEXAS SERVICE CENTER

Date: 06

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 on appeal. The appeal will be dismissed.

The applicant 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.

On appeal, the applicant submits a statement.

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 July 1, 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 23, 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 establishing his qualifying continuous residence and continuous physical presence in the United States. In addition, the applicant was requested to submit photo identification, such as a State issued driver's license, as well as a copy of his birth certificate and/ or a national identity document bearing a photograph and/or fingerprint. The applicant, in response, provided photocopies of his: State of Florida Identification Card and Driver's License, both issued on August 7, 2003; Honduran passport issued by the Consulate General, Miami, Florida, on August 7, 2003; and, Honduras Identification Card issued on October 13, 2001. In addition, the applicant submitted documentation relating to his residence and physical presence in the United States. It is noted that the record does not include a copy of the applicant's birth certificate, with English translation.

The director determined that the applicant had failed to establish he was eligible for late registration and denied the application on November 13, 2003.

On appeal, the applicant states that he did apply for TPS in 1999, during the initial registration period. The applicant states that he went to an immigration service agency in the Palm Beach, Florida, area and left a completed application and fee of \$175, in addition to the fee the agency charged for the paperwork. He states that he never received a response. The applicant states that he returned to the agency several times to find out what had happened to his application. A woman at the immigration service agency informed the applicant that: "they had mailed [him] something, only it had been returned."

However, this statement does not mitigate the applicant's failure to file his Application for Temporary Protected Status within the initial registration period. The applicant failed to submit any evidence to corroborate his claimed earlier attempt to file for TPS. The record does not include any evidence that would reflect an earlier filing or rejected filing for TPS. A search of CIS records does not indicate an earlier application under the

applicant's name and date of birth. The applicant has not submitted sufficient 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.

Beyond the decision of the director, it also is noted that the applicant has provided insufficient evidence to establish his qualifying continuous residence or continuous physical presence during the requisite time periods. It is noted that the applicant's Honduras Identification Card was issued on October 13, 2001. The applicant did not explain how he obtained this document subsequent to his stated date of entry into the United States. In addition, it is noted that the money order receipts have no identifying information that links the receipts directly to the applicant. Two of the handwritten receipts dated May 29, 1999, and November 10, 1998, list the applicant's name in a different handwriting than the remainder of the receipt. Further, the applicant's name appears to have been altered on the Miami-Dade Water and Sewer Department bill for April 7, 1999. Therefore, the application must also be denied for these reasons.

It also is noted that the record of proceedings does not include results of the fingerprint investigation report, or a copy of the Fingerprint Notification to appear for fingerprinting.

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.