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

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FILE:



Office: VERMONT SERVICE CENTER

Date: **NOV 18 2005**

[EAC 02 198 51197]

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 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, reopened, and denied again by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant claims to be a 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 that she had continuously resided in the United States since February 13, 2001, and had been continuously physically present in the United States since March 9, 2001.

On appeal, the applicant submits additional documentation.

It is noted that the record contains three completed Forms G-28, Notice of Entry of Appearance of Attorney or Representative, signed by [REDACTED]. On the first form, dated May 7, 2002, [REDACTED] that she is an accredited representative associated with Zuckerman & Powers, Attorneys at Law, Bay Shore, New York. On the second form, dated July 18, 2002, she indicates that she is a paralegal representative associated with Zuckerman & Powers. On the third form, dated September 5, 2003, [REDACTED] indicates that she is a paralegal representative associated with Alisandra Multiservices, Inc., Bay Shore, New York. However, [REDACTED] is not authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

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.

The phrase continuously physically present, as defined in 8 C.F.R. § 244.1, means actual physical presence in the United States for the entire period specified in the regulations. An alien shall not be considered to have failed to maintain continuous physical presence in the United States by virtue of brief, casual, and innocent absences as defined within this section.

The phrase continuously resided, as defined in 8 C.F.R. § 244.1, means residing in the United States for the entire period specified in the regulations. An alien shall not be considered to have failed to maintain continuous residence in the United States by reason of a brief, casual and innocent absence as defined within this section or due merely to a brief temporary trip abroad required by emergency or extenuating circumstances outside the control of the alien.

Persons applying for TPS offered to El Salvadorans must demonstrate continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since March 9, 2001. The initial registration period for El Salvadorans was from March 9, 2001, through September 9, 2002. On July 9, 2002, the Attorney General announced an extension of the TPS designation until September 9, 2003. Subsequent extensions of the TPS designation have been granted, with the latest granted until September 9, 2006, upon the applicant's re-registration during the requisite time period.

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 Citizenship and Immigration Services (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).

The applicant filed her initial Form I-821, Application for Temporary Protected Status, on May 18, 2002. In support of her application, the applicant submitted a photocopy of her El Salvadoran birth certificate, with English translation, and a letter, dated May 5, 2002, from [REDACTED] stating that the applicant had rented a room from him since November 2, 2000.

On March 12, 2003, the director requested the applicant to submit evidence to establish her qualifying continuous residence and continuous physical presence in the United States during the requisite time periods. The applicant was informed that such evidence may include, but was not limited to, employment or school records, rent/mortgage payment receipts, bank or insurance documents, medical or utility bills, or other similar materials. On April 4, 2003, the applicant responded to the director's request by providing two affidavits from acquaintances and photocopies of generic rent receipts.

The director denied the application on May 15, 2003, after determining that the applicant had failed to submit sufficient evidence to establish her qualifying continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001. The director specifically advised the applicant that she could file an appeal within 33 days of that decision. On August 7, 2003, the applicant filed a late appeal. In support of the appeal, the applicant resubmitted the two affidavits from acquaintances and photocopies of generic rent receipts.

On June 15, 2004, the director reopened the proceedings on motion, and, on July 28, 2004, reissued a denial of the application on the grounds that the applicant had failed to submit sufficient evidence to establish her qualifying continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001. The applicant filed the instant, timely appeal of that decision on August 23, 2004. In support of the appeal, the applicant submits additional photocopies of generic rent receipts and a letter, dated August 17, 2004, from Printex Packaging Corporation, Islandia, New York, stating that the applicant had been employed since July 1, 2002.

The applicant claims to have lived in the United States continuously from November 5, 2000, to the date of filing her TPS application. It is reasonable to expect that she would have a variety of credible, contemporaneous evidence to support this claim. Letters from acquaintances are not, by themselves, persuasive evidence of continuous residence and continuous physical presence. The employment letter has little evidentiary weight or probative value as it does not provide basic information that is expressly required by 8 C.F.R. § 244.9(a)(2)(i), and does not cover the required dates. Furthermore, the rent letter and generic rent receipts are not supported by any additional objective evidence.

Based on a review of the record, it is concluded that the applicant has failed to establish that she meets the criteria described in 8 C.F.R. §§ 244.2(b) and (c). Consequently, the director's decision to deny the application for these reasons will be affirmed.

Beyond the decision of the director, the applicant has not submitted an identity document bearing her photograph and/or fingerprint, as required under the provisions of 8 C.F.R. § 244.9(a)(1). Therefore, the application must also be denied for these reasons.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. 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.