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



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FILE:



Office: TEXAS SERVICE CENTER

Date: SEP 30 2005

[SRC 01 220 61532]

IN RE:

Applicant:

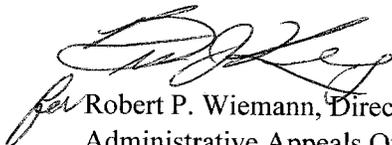


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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.

  
for 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 she had continuously resided in the United States since December 30, 1998 and had been continuously physically present in the United States since January 5, 1999.

On appeal, the applicant states that she entered the United States in August 1998 instead of 1999. She further states that this was an error of the person who filled out the forms and emphasizes that she had already sent an affidavit from her English teacher at the Englewood Christian Church who stated that he knew her since August 1998.

It is noted that although the applicant's Form I-821, Application for Temporary Protected Status, requires that anyone preparing the document other than an applicant provide their printed name, signature and date, those blocks were left blank on her application. Therefore, the applicant is deemed to have completed the application herself and any mistakes made in the completion of her application are attributed to her alone.

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 TPS only if such alien establishes that he or she:

- (a) Is a national of a 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 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.

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 Hondurans must demonstrate that they have continuously resided in the United States since December 30, 1998, and that they have been continuously physically present in the United States since January 5, 1999. On May 11, 2000, the Attorney General announced an extension of the TPS designation until July 5, 2001. Subsequent extensions of the TPS designation have been granted, with the latest extension valid until July 5, 2006, upon the applicant's re-registration during the requisite period.

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 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 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).

On November 2, 2001, the applicant was requested to submit evidence establishing her continuous residence since December 30, 1998, and continuous physical presence since January 15, 1999, in the United States. The applicant, in response, provided the following documentation:

1. A copy of a "Drug-free/criminal free housing" lease addendum dated September 9, 2000.
2. A copy of a prescription and instructions dated May 15, 2001
3. A copy of a dental bill dated May 15, 2001.

4. A copy of a Western Union money transfer dated April 2, 2000.
5. A copy of an invoice dated July 5, 2001 to the applicant from the Duval County Health Department.
6. Copies of invoices for services received on January 24, 2001 and August 7, 2001 to the applicant from Beaches Family Health Center.
7. A copy of the applicant's wage slip from a company named Kitchens for the week ending November 14, 1999.
8. A copy of a receipt to the applicant from the Jacksonville, Florida Division of Driver Licenses dated September 24, 1999.
9. Copies of two Travelers Express international money orders dated March 7, 2000 purchased by the applicant and paid to Whispering Palms.
10. A copy of a Travelers Express international money order dated June 17, 2000 purchased by the applicant and paid to [REDACTED]
11. A copy of an invoice dated June 3, 2000 to the applicant from a company named [REDACTED]
12. A copy of the applicant's IRS Form 1040, U.S. Individual Income Tax Return, for 2000.

The director determined that the applicant had failed to submit sufficient evidence to establish her eligibility for TPS and denied the application on June 9, 2004.

On appeal, the applicant reasserts her claim and submits the following documentation:

13. An affidavit dated June 28, 2004 from [REDACTED] who states that he has known the applicant since November 1998.
14. An affidavit dated June 28, 2004 from [REDACTED] who states that he has known the applicant since September 1998.
15. An affidavit from the applicant dated June 28, 2004 who states that she has continuously resided in the United States since August 29, 1998.

Affidavits from the applicant and friends are not, by themselves, persuasive evidence of residence or physical presence. The applicant has not submitted any evidence to establish her qualifying continuous residence or continuous physical presence in the United States during the period from prior to December 30, 1998 to September 24, 1999. She has, thereby, failed to establish that she has met the criteria described in 8 C.F.R. §§ 244.2(b) and (c). Consequently, the director's decision to deny the application for TPS will be affirmed.

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 TPS 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.