



U.S. Citizenship  
and Immigration  
Services

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FILE:



[WAC 05 141 82701]

Office: California Service Center

Date: DEC 04 2006

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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief  
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 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 record reveals that the applicant filed a late initial TPS application on February 18, 2005, under CIS receipt number WAC 05 141 82701. The director denied the application on May 15, 2006, because the applicant failed to establish that she was eligible for late initial registration for TPS. The director noted that the applicant failed to respond to a notice of intent to deny issued by the director on February 5, 2006 requesting that the applicant submit evidence to establish eligibility for TPS within 30 days. The director noted also that the notice of intent to deny was not returned as undeliverable.

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.
- (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 February 18, 2005.

To qualify for late registration, the applicant must provide evidence that during the initial registration period she fell within at least one of the provisions described in 8 C.F.R. § 244.2(f)(2) above.

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).

On appeal, the applicant states that her TPS was erroneously denied because she never received the notice of intent to deny. The applicant asserts that she is eligible for late initial registration TPS because she was included as a dependent child on her mother's asylum application, [REDACTED] as a dependent of an ABC class member. With her appeal, in an attempt to establish eligibility for TPS, the applicant submits a photo copy of: 1) 3 of her EAD cards showing expirations on August 26, 2000, May 21, 2004, and March 1, 2005; 2) a notice from the Houston Asylum Office, dated July 26, 1999, acknowledging receipt of a supplement requesting that the applicant be included as a dependent on her mother's asylum application; 3) a cover letter from American Central Resource Center pertaining to the applicant's EAD application, accompanied by a copy of an EAD, both dated July 30, 1999; 4) 5 earnings statements, 4 issued to the applicant in November and December 2001, and 1 issued to [REDACTED] in April 2000; and 6) a request for immunization records, issued by Spring Wood High School, dated March 27, 2000.

However, the record reflects that the applicant's asylum case was terminated on February 23, 2004. In order for the applicant to be eligible for late TPS registration, as a former asylum applicant, she should have submitted her TPS application, no later than 60 days immediately following termination of her asylum application on February 23, 2004, pursuant to the regulations 8 C.F.R. § 244.2(f)(2) and 8 C.F.R. § 244.2(g). The applicant filed her initial TPS application on February 18, 2005. Therefore, the applicant does not meet the regulatory requirements for late initial registration.

As discussed above, the applicant has not 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. Also, 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).

Therefore, the applicant is not eligible for late initial registration for TPS. Consequently, the director's decision to deny the application for temporary protected status will be affirmed.

**ORDER:** The appeal is dismissed.