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

M1

FILE:



Office: California Service Center

Date:

**DEC 27 2006**

[WAC 05 209 73170]

IN RE:

Applicant:



APPLICATION:

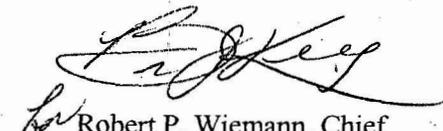
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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, 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 stated 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 record reveals that the applicant filed an initial TPS application on June 29, 2001 under CIS receipt number SRC 01 225 76511. The director, Texas Service Center, denied the application, on June 22, 2004, because the applicant failed to respond to a November 25, 2003 notice of intent to deny within 30 days. The director had requested that the applicant provide evidence to establish her continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001. The director, therefore, considered that application abandoned. 8 C.F.R. § 103.2(b)(13). A denial due to abandonment may not be appealed; however, an applicant may file a motion to reopen under 8 C.F.R. § 103.5 within 30 days of the denial decision. The record does not reflect that the applicant filed a motion to reopen.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 27, 2005, under CIS receipt number WAC 05 209 73170, and indicated that she was re-registering for TPS.

The director denied that application on August 16, 2005, because the applicant's initial TPS application had been denied because the applicant did not establish prima facie eligibility for TPS.

On appeal, the applicant states that she does not understand why her TPS application was denied, and she has responded to all CIS correspondences. With her appeal, the applicant submits a photocopy of her Employment Authorization Document (EAD). The applicant does not submit any other evidence with her appeal.

If the applicant is filing an application as a re-registration, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

In this case, the applicant has not previously been granted TPS. Therefore, she is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

Beyond the decision of the director, the applicant has not submitted sufficient evidence to establish her date of entry into the United States and to establish her continuous residence and continuous physical presence in the United States during the requisite period. It is noted that the applicant stated on her initial Form I-821, Application for Temporary Protected Status, on her re-registration application, on her initial Application for Employment Authorization, Form I-765, and on 2 subsequent Applications for Employment Authorization, Form-765, filed in the years 2002, and 2003, that she entered the United States on June 7, 1992. However, the applicant submitted a biographic page of her passport showing that the passport was issued, in San Salvador, El Salvador, on February 8, 2001. It is the applicant's responsibility to address discrepancies in his statements. Doubt cast on any aspect of the applicant's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the application. It is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile

such inconsistencies, absent competent objective evidence pointing to where the truth lies, will not suffice. *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988). The applicant has failed to submit any objective evidence to explain or justify the discrepancies in the entry dates in the record and the issuance of her passport. Therefore, the reliability of the remaining evidence offered by the applicant is suspect and it must be concluded that the applicant has failed to establish her continuous residence and continuous physical presence in the United States during the requisite period. Therefore, the application will 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.