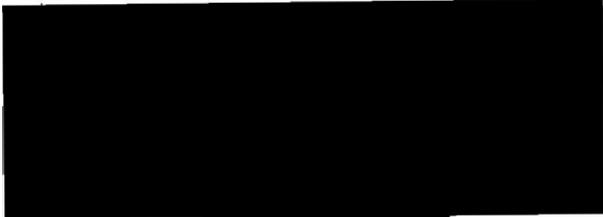


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Services**

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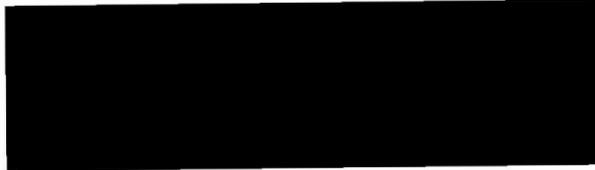
Office: California Service Center

Date: **DEC 27 2006**

[WAC 05 127 76647]

**IN RE:**

Applicant:



**APPLICATION:**

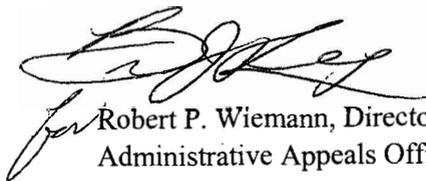
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

**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, California 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 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 4, 2005 under CIS receipt number WAC 05 127 76647. The director denied that application on March 28, 2006, because the applicant failed to establish continuous residence since December 30, 1998, and continuous physical presence since January 5, 1999, in the United States, and was eligible for late registration. The director, therefore, denied the application.

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 as 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.

Continuously physically present 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.

Continuously resided 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.

Brief, casual, and innocent absence means a departure from the United States that satisfies the following criteria:

- (1) Each such absence was of short duration and reasonably calculated to accomplish the purpose(s) for the absence;
- (2) The absence was not the result of an order of deportation, an order of voluntary departure, or an administrative grant of voluntary departure without the institution of deportation proceedings; and
- (3) The purposes for the absence from the United States or actions while outside of the United States were not contrary to law.

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. 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 January 5, 2007, 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 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).

To qualify for late registration, the applicant must provide evidence that during the initial registration period, she was either in a valid immigration status, had an application pending for relief from removal, was a parolee, or was the spouse/child of an alien currently eligible to be a TPS registrant, and she 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 record reveals that with her re-registration application, the applicant submitted photocopies of: a Honduras photo identification card, issued in March 1997; 2 BellSouth handwritten receipts, dated October 5, 1998, and April 17, 1998; 2 handwritten FPL receipts, dated May 11, 1998, and July 27, 1998; and 7 MoneyGram partially completed money transfer receipts, dated in 1998.

On February 23, 2006, the applicant was provided the opportunity to submit evidence establishing her 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 her identity, her residence in the United States since December 30, 1998, and her physical presence in the United States from January 5, 1999. The applicant, in response, submitted a State of Florida birth certificate, issued August 21, 2002, showing the applicant as the mother; 12 Western Union money transfer receipts issued in 2003, 2004, and 2005; a University of Miami invoice, dated July 2, 2002; a Florida Healthy Start Prenatal Risk Screening Instrument form dated, January 8, 2002; an appointment notice from Rosie Lee Wesley Health Services, dated June 21, 2002; a document in Spanish from Jackson South Community Hospital, dated July 16, 2002; 3 handwritten receipts dated March 12, 1999, June 15, 2000, and August 7, 2001; the biographic page of her Honduran passport; and 39 generic receipts;

On appeal, the applicant states that she wishes to be legal in the United States, and has been physically present in the United States since 1998. With her appeal, in an attempt to establish her continuous residence, her continuous physical presence, and eligibility for late initial registration, the applicant submitted a Medicaid letter, in Spanish, dated February 9, 2005; two Western Union money transfer receipts, dated in 2006; and most of the same evidence she earlier submitted.

It is noted that among the documents the applicant submitted, the only ones that predate March 1999 are four parking receipts. There is no indication on any of the parking receipts that they were issued to the applicant. It is reasonable to expect that the applicant would be able to provide some form of reliable documentation to establish her residence before March 1999, if she was issued parking receipts as she claims. Therefore, the applicant has failed to provide sufficient evidence to establish her continuous residence in the United States, and her physical presence during the qualifying period.

Furthermore, 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). Consequently, the director's decision to deny the application for temporary protected status will be affirmed.

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.