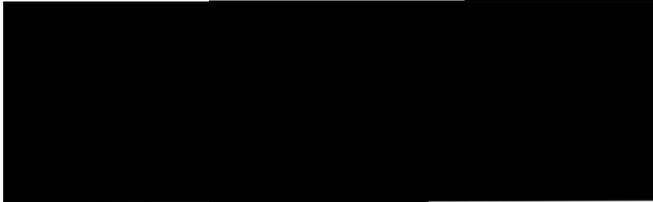


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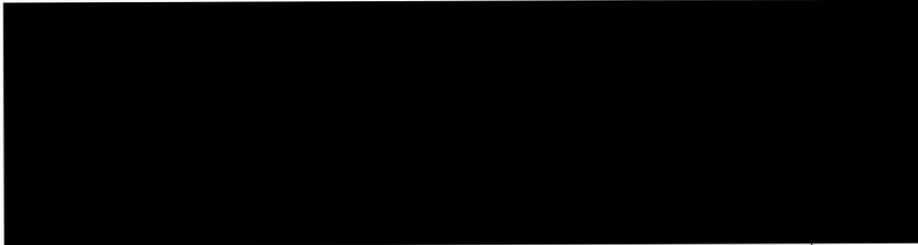
[WAC 05 133 70813]

Office: California Service Center

Date: **DEC 27 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.

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 stated to be 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 10, 2005, under CIS receipt number WAC 05 133 70813. The director denied that application on May 19, 2006, because the applicant failed to establish that she was eligible for late initial registration for TPS.

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 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 July 5, 2007, upon the applicant's re-registration during the requisite period. The record reveals that the applicant filed her initial application with Citizenship and Immigration Services (CIS) on February 10, 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 March 8, 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 director noted that with her response to the notice of intent to deny, the applicant submitted copies of the biographic page of her Honduran passport, issued September 4, 1999; a rent receipt dated June 8, 2005; a [REDACTED] medical bill, dated February 17, 2006; a Mammogram appointment letter, dated March 15, 2005; MoneyGram money receipts issued in the years 2002, and 2004; prescription receipts dated August 8, 2005 and February 2, 2006; various retail receipts from May 14, 2000 to May 11, 2005; and an affidavit signed July 2, 2004. The director noted that the evidence submitted was insufficient to establish eligibility for late initial registration. The director, therefore, denied the application.

On appeal, the applicant states only that she has been in the United States since 1997. With the appeal, in an attempt to establish her eligibility for TPS, the applicant resubmitted a copy of the biographic page of the Honduran passport; 7 Western Union money transfer receipts issued in the years 1999, 2000, and 2002; 28 generic receipts; a Bell South receipt showing the name Estrella Phar; and 2 money order receipts issued in 1998. However, this evidence does not mitigate the applicant's failure to file her Form I-821, Application for Temporary Protected Status, within the initial registration period.

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.

Beyond the decision of the director, it is noted that although the applicant submitted a photocopy of the biographic page of a passport, the record of proceedings does not contain a Honduran birth certificate and English

translation to establish the applicant's nationality and identity as required by 8 C.F.R. § 244.9(a)(1). In addition, the applicant has not submitted sufficient evidence to establish her continuous residence in the United States from December 28, 1998 and her continuous physical presence since January 5, 1999. It is noted that the applicant was arrested by United States Border Patrol while attempting entry on September 1, 1999. Therefore, the applicant cannot meet the requisite continuous residence and continuous physical presence requirements. Accordingly, the application will also be denied for these reasons.

It is also noted that the record contains an outstanding Warrant of Deportation issued by an Immigration Judge in Harlingen, Texas, against the applicant, on January 12, 2000.

The application will be denied for the above stated reason. 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.