

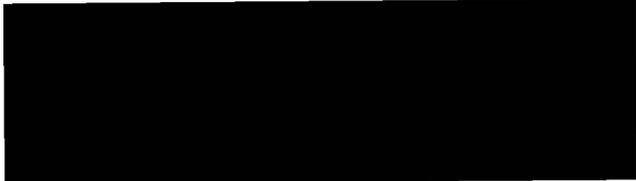


U.S. Citizenship
and Immigration
Services

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DEC 29 2006

FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

[WAC 05 239 71030]

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, 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 claims 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 director denied the application because the applicant failed to submit sufficient evidence to establish continuous physical presence in the United States since January 5, 1999.

On appeal, the applicant states that he has been physically living in the United States since 1997 until the present time and that he had answered all correspondence that he received from the Service. He also submits copies of various money transfer and store receipts.

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 continuous residence in the United States since December 30, 1998, and continuous physical presence since January 5, 1999. The initial registration period for Honduras was from January 5, 1999 through August 20, 1999. The record reveals that the applicant filed his initial application with Citizenship and Immigration Services (CIS) on May 27, 2005.

To qualify for late registration, the applicant must provide evidence that during the initial registration period he 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 December 14, 2005, CIS notified the applicant of its intent to deny his TPS application and requested evidence establishing his continuous physical presence and residence in the United States during the periods required by the regulations, as well as his eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2). The applicant submitted his response on March 1, 2006 consisting of numerous store receipts dated 1998 until 2005, as well as undated money order receipts that do not bear the applicant's name and address. He also submitted pay stubs with his name and social security number covering the years 2005 and 2006.

The director determined that the applicant had failed to establish that he had been continuously physically present in the United States since January 5, 1999 or continuously residing in the United States since December 30, 1998, and denied the application on March 22, 2006.

On appeal, the applicant states that he has been physically living in the United States since 1997 until the present time and that he had answered all correspondence that he received from CIS. He also submits copies of various money transfer and store receipts.

The applicant has submitted evidence with his initial I-821 application in an attempt to establish his qualifying residence and physical presence in the United States. However, this evidence does not establish that he met those requirements. The store receipts cited above are not supported by any corroborative evidence. It is reasonable to expect that the applicant would have some type of contemporaneous evidence to support these assertions; however, no such evidence has been provided. Furthermore, the credibility of these documents is

suspect since the receipts do not bear his name or address. Therefore, these receipts carry little evidentiary weight and will not serve to establish the applicant's eligibility. Consequently, the director's decision to deny the application for TPS will be affirmed.

It is further noted that the record contains information that he was apprehended by the U.S. Border Patrol on or about December 21, 2004 near Hidalgo Texas while attempting to enter the United States illegally. This is contrary to his declaration in his TPS application that he entered the United States on February 14, 1997.

Beyond the decision of the director, it also is noted that the applicant has not submitted any evidence to establish that he has met any of the criteria for late registration described in 8 C.F.R. § 244.2(f)(2). Therefore, the application also must be denied for this reason.

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.