

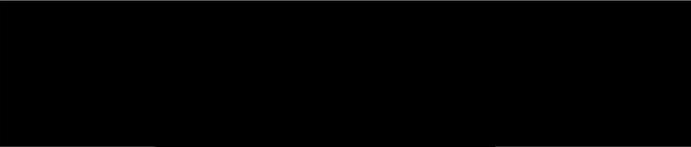
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**U.S. Citizenship  
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FILE: [REDACTED]  
[EAC 02 247 50532]

Office: VERMONT SERVICE CENTER

Date: JUN 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, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Vermont 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 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 director denied the application because the applicant failed to establish continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since March 9, 2001.

On appeal, the applicant submits a statement and additional evidence.

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 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 § 244.3;
- (e) Is not ineligible under § 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.

The phrase continuously physically present, as defined in 8 C.F.R. § 244.1, 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.

The phrase continuously resided, as defined in 8 C.F.R. § 244.1, 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.

Persons applying for TPS offered to El Salvadorans must demonstrate continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since March 9, 2001. On July 9, 2002, the Attorney General announced an extension of the TPS designation until September 9, 2003. Subsequent extensions of the TPS designation have been granted, with the latest extension granted until September 9, 2007, upon the applicant's re-registration during the requisite time period.

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 the Immigration and Naturalization Service, now Citizenship and Immigration Services (CIS), on July 19, 2002.

The burden of proof is upon the applicant to establish that she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by Citizenship and Immigration Services (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 her burden of proof the applicant must provide supporting documentary evidence of eligibility apart from her own statements. 8 C.F.R. § 244.9(b).

The applicant indicated on her Form I-821, Application for Temporary Protected Status, that she entered the United States without inspection on April 15, 1999. In support of her application, the applicant submitted the following:

1. photocopies of Pepco billing statements for the service periods from October 10, 2000 to October 25, 2000 and from November 20, 2000 to December 20, 2000;

2. photocopies of Washington Gas billing statements dated December 25, 2000 and January 10, 2001.

The director determined that the applicant had failed to submit sufficient evidence to establish her qualifying continuous residence and continuous physical presence in the United States during the requisite periods and denied the application on December 22, 2004.

On appeal, the applicant requests that she be granted TPS and submits the following:

3. a letter dated January 6, 2005, from [REDACTED] and [REDACTED] stating that the applicant has rented a room in their home located at [REDACTED], since April 2000;
4. photocopies of eight generic rent receipts dated: May 1, 2000; June 1, 2000; July 1, 2000; December 1, 2000; January 1, 2001; February 1, 2001; March 1, 2001; and, April 1, 2001;
5. photocopies of the applicant's 2001 Internal Revenue Service (IRS) Form 1040EZ, Income Tax Return for Single and Joint Filers with No Dependents, and her 2001 Form 502, Maryland Tax Return;
6. photocopies of the applicant's 2002 IRS Form 1040EZ, her Maryland tax return, and her 2002 IRS Forms W-2, Wage and Tax Statement, from United Building Services in Arlington, Virginia, April Group LLC in Rockville, Maryland, and from O&J Maintenance Corp. in Gaithersburg, Maryland;
7. photocopies of the applicant's, IRS 2003 Form 1040, U.S. Individual Income Tax Return, her 2003 Maryland Tax Return, and her 2003 IRS Forms W-2 from Sodexo Management, Inc., in Bethesda, Maryland, Associated Building Maintenance Company in Gaithersburg, Maryland, April Group LLC, and United Building Services.

The Pepco billing statements (No. 1 above), the Washington Gas billing statement (No. 2 above), and the generic rent receipts dated from May 1, 2000 through February 1, 2001 (No. 6 above) are all dated prior to the requisite periods to establish continuous residence and continuous physical presence in the United States.

The applicant's federal and Maryland income tax returns and Forms W-2 (Nos. 5-7 above) are not sufficient to establish the applicant's qualifying continuous residence and continuous physical presence in the United States during the requisite periods because they do not reflect the applicant's exact dates of employment in the United States during those years.

The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. 8 C.F.R. § 244.9(b). The applicant has not submitted sufficient evidence to establish her qualifying continuous residence and continuous physical presence in the United States throughout the requisite periods. She has, therefore, failed to establish that she satisfies the residence and physical presence requirements described in

8 C.F.R. §§ 244.2(b) and (c). Consequently, the director's decision to deny the application for temporary protected status will be affirmed.

Beyond the decision of the director, the applicant has not provided an official Salvadoran photo identification document to establish her identity and nationality as described at 8 C.F.R. § 244.9(a)(1). 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 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.