U.S. Department of Homeland Security
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U.S. Citizenship and Immigration Services

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[redacted]

FILE: [redacted] OFFICE: VERMONT SERVICE CENTER DATE: NOV 0 2 2006
[EAC 05 249 70296]

IN RE: Applicant: [redacted]

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 he was eligible for late registration.

On appeal, the applicant states that the lack of evidence to prove late registration is a great burden to the applicant since there are other reasons to have not applied other than the ones listed by the Service.

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 El Salvadorans must demonstrate continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001. The initial registration period for Salvadorans was from March 9, 2001, through September 9, 2002. The record reveals that the applicant filed his initial TPS application with Citizenship and Immigration Services (CIS) on June 6, 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 February 6, 2006, the applicant was requested to submit evidence establishing his 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 his continuous physical presence in the United States from February 13, 2001, to the date of filing. The applicant responded on March 2, 2006 and submitted evidence to establish his qualifying residence and physical presence in the United States consisting of the following:

(1) Statement from [redacted] dated February 22, 2006 affirming that she has known the applicant for at least five years.
(2) Statement from [redacted] dated February 2006 affirming that the applicant has lived at his residence for more than five years from 2000 to the present time.
(3) Statement from his employer [redacted] dated February 20, 2006 affirming that the applicant had worked for him intermittently for three years.
(4) Bank statement from Wells Fargo for the period January 12 through February 9, 2006.

The director determined that the applicant had failed to establish he was eligible for late registration and denied the application on May 10, 2006. On appeal, the applicant states that the lack of evidence to prove late registration is a great burden to the applicant since there are other reasons to have not applied other than the ones listed by the Service. He also submitted the following evidence:

(1) Copy of his El Salvadoran passport.
(2) Statement from [redacted] affirming that she has known the applicant since he was a child and that she knows for a fact that he came to the United States in 2001 or before and that he has been residing in the United States ever since. She further states that the applicant was here in the country ever since including the required date of January 13, 2001.
(3) Statement from [redacted] that she is the sister of the applicant and that she has known him since he was a child and that he came to the United States in 2001 or before and that he

has been residing in the United States ever since. She further states that the applicant was here in the country ever since including the required date of January 13, 2001.

(4) Copy of receipt dated July 19, 2001 for a Form I-130 Immigrant Petition for a Relative filed by his United States citizen sister (SRC 01 239 51941).

(5) Copy of a receipt dated February 12, 2003 for Form I-824 Application for Action on an Approved Application or Petition (SRC 03 094 51909).

(6) Copy of a receipt dated June 3, 2005 for a Form I-821 Application for Temporary Protected Status filed by the applicant (EAC 05 249 70296).

(7) Copy of a receipt dated June 3, 2005 for a Form I-765 Application for Employment Authorization Document filed by the applicant (EAC 05 249 70297).

(8) Copy of a letter dated January 19, 2006 reporting a change of address and inquiring about the status of his case with receipt number SRC 03 094 51909.

(9) Copy of a letter dated January 19, 2006 inquiring about case numbers EAC 05 249 70296 and EAC 05 249 70297.

(10) Bank statement from Wells Fargo for the period January 12 through February 9, 2006.

(11) Statement from [redacted] dated February 2006 affirming that the applicant has lived at his residence for more than five years from 2000 to the present time

(12) Statement from his employer [redacted] dated February 20, 2006 affirming that the applicant had worked for him intermittently for three years.

(13) Statement from [redacted] dated February 22, 2006 affirming that she has known the applicant for at least five years.

(14) Statement from the applicant dated February 25, 2006 claiming that he did not submit his I-821 and I-765 applications because he was confused by the attorney that he spoke with.

The statements from [redacted] and [redacted] do not conform to the regulatory provisions at 8 C.F.R. section 244.9(a)(2)(v)(A) through (G).

The applicant has submitted evidence 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. Furthermore, 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). Consequently, the director's decision to deny the application for TPS will be affirmed.

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.