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U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE:  
[WAC 05 228 75182]

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 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 determined that the applicant failed to submit documents in response to a Notice of Intent to Deny requesting additional evidence to establish eligibility for TPS. The director, therefore, denied the application.

On appeal, the applicant requests that her case be re-opened claiming that her husband has been granted TPS. She also submits a marriage certificate and a copy of his Employment Authorization Card.

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 her initial application with Citizenship and Immigration Services (CIS) on May 16, 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 1, 2006, the Service notified the applicant of its intent to deny her TPS application and requested evidence establishing her eligibility for TPS and for late registration as set forth in 8 C.F.R. § 244.2(f)(2). The applicant failed to submit a response to this request.

The director determined that the applicant had failed to establish she was eligible for late registration and denied the application on May 6, 2006. On appeal, the applicant requests that her case be re-opened claiming that her husband has been granted TPS. She also submits a marriage certificate and a copy of her husband's Employment Authorization Card (EAC).

A review of the evidence she submits on appeal reveals that the applicant and her husband were married on March 9, 2005. Her husband's EAC was issued under the category C19 indicating that he is a TPS applicant.

The evidence submitted by applicant failed to establish that she meets the requirements for late registration as enumerated in 8 C.F.R. § 244.2(f)(2). The EAC was issued under the category C19. This is the category for applicants who have a pending TPS application, while A-12 is the category for those who had been granted TPS. The fact that her husband was granted an EAC merely indicates that he had a pending TPS application at that time and is not necessarily evidence that he is eligible for TPS. Regardless of her husband's eligibility, in order for the applicant to be eligible for late registration under TPS because of her marriage to her husband, the marriage must have occurred before or during the initial registration period. Since the applicant was not married during the initial registration period, this relationship cannot establish her eligibility for late registration.

The applicant has submitted evidence with her initial I-821 application in an attempt to establish her qualifying residence and physical presence in the United States. However, this evidence failed to establish that she met the regulatory requirements for qualifying residence and physical presence in the United States. 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 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.