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**NOV 20 2006**

FILE: [REDACTED] OFFICE: CALIFORNIA SERVICE CENTER DATE:  
[WAC 05 192 70934]

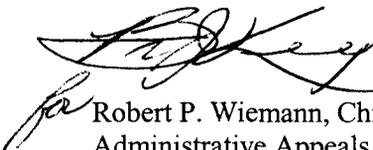
IN RE: Applicant: [REDACTED]

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, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is 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 had failed to establish that she: (1) was eligible for late registration; (2) had continuously resided in the United States since December 30, 1998; and (3) had been continuously physically present from January 5, 1999, to the date of filing the application.

On appeal, the applicant submits a statement and additional evidence. The applicant also states that her first name is [REDACTED] instead of [REDACTED] and requests that CIS records be corrected. She submits a copy of a Honduran birth certificate issued on April 27, 2006, in Distrito Central, [REDACTED] listing the applicant's name as [REDACTED]. It is noted, however, that the applicant originally furnished with her TPS application a copy of a Honduran birth certificate, issued on September 25, 2000, in Marcovia, Choluteca, listing the applicant's name as [REDACTED] and a copy of a Honduran passport issued to the applicant on January 4, 2001, in San Francisco, California, also listing the applicant's name as [REDACTED]. [REDACTED] The birth certificate issued on April 27, 2006, does not indicate that it is a corrected copy of the certificate issued on September 25, 2000, or that the April 27, 2006 certificate superseded the September 25, 2000 certificate.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an alien who is a national of a foreign state designated by the Attorney General 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 8 C.F.R. § 244.4; and
- (f)
  - (1) Registers for TPS 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 condition described in paragraph (f)(2) of this section.

The term *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.

The term *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.

Persons applying for TPS offered to Hondurans and Nicaraguans 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 time period.

The initial registration period for Hondurans was from January 5, 1999 through August 20, 1999. The record shows that the applicant filed his TPS application on April 10, 2005.

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 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 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).

The first issue in this proceeding is whether the applicant is eligible for late registration.

The record of proceeding confirms that the applicant filed her application after the initial registration period had closed. To qualify for late registration, the applicant must provide evidence that during the initial registration period from January 5, 1999 through August 20, 1999, she fell within the provisions described in 8 C.F.R. § 244.2(f)(2) (listed above).

In a Notice of Intent to Deny (NOID) dated March 17, 2006, the applicant was requested to submit evidence establishing her 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 continuous residence in the United States since December 30, 1998, and continuous physical presence from January 5, 1999, to the date of filing the application. The applicant, in response, provided a character reference from [REDACTED] in an attempt to establish her residence in the United States.

The director determined that the evidence furnished in response to the NOID was insufficient to establish eligibility for late registration and denied the application on May 9, 2006.

On appeal, the applicant asserts that she is a citizen of Honduras, she has resided in the United States since July 1998, and that her mother is a TPS applicant; therefore, she is "eligible for some immigration benefits."

While the regulations may allow children of aliens who are TPS-eligible to file their applications after the initial registration period had closed, the applicant, in this case, has not provided evidence to establish that her mother is a TPS recipient or is an alien currently eligible to be a TPS registrant. 8 C.F.R. § 244.2(f)(2)(iv).

The applicant has failed 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 TPS application on this ground will be affirmed.

The next issue in this proceeding is whether the applicant has established continuous residence in the United States since December 30, 1998, and continuous physical presence from January 5, 1999, to the date of filing the application.

The applicant claimed to have entered the United States in July 1998. In support of her application, the applicant submitted a copy of her birth certificate with English translation, and a copy of her Honduran passport. The applicant furnished no evidence to establish continuous residence and continuous physical presence in the United States.

In a Notice of Intent to Deny dated March 17, 2006, the applicant was requested to submit evidence to establish that she has continuously resided in the United States since December 30, 1998, and has been continuously physically present from January 5, 1999, to the date of filing the application. In response, the applicant submitted:

1. A character reference from [REDACTED] dated March 3, 2005.

The director determined that the applicant had failed to provide sufficient evidence to establish residence and physical presence in the United States and denied the application on May 9, 2006.

On appeal, the applicant asserts that she has been residing in the United States since July 1998. She resubmits a copy of Mr. [REDACTED] statement (No. 1 above), and a copy of a diploma issued in Honduras on November 19, 1997.

In his statement, Mr. [REDACTED] stated that he has known the applicant since 1998; however, he failed to provide any specifics regarding the nature, circumstances, or origin of his acquaintanceship with the applicant, and the address where the applicant resided during the time of their acquaintance. Moreover, the statement was not notarized.

Regulations at 8 C.F.R. § 244.9(a)(2) do not expressly provide that personal affidavits on an applicant's behalf are sufficient to establish the applicant's qualifying continuous residence or continuous physical presence in the United States. Furthermore, this one affidavit, provided by the applicant to establish her qualifying residence in the United States, was not supported by any other corroborative evidence. The applicant claimed to have lived in the United States since July 1998. It is reasonable to expect that the applicant would have some other type of contemporaneous evidence to support her claim; however, no such evidence has been provided.

Accordingly, the applicant has failed to establish that she has met the criteria for continuous residence in the United States since December 30, 1998, and continuous physical presence since January 5, 1999, as described in 8 C.F.R. § 244.2(b) and (c). Consequently, the director's decision to deny the application on this ground will also be affirmed.

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.