



U.S. Citizenship  
and Immigration  
Services

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FILE:

[WAC 05 208 71753]

Office: California Service Center

Date: **NOV 21 2006**

IN RE:

Applicant:

APPLICATION:

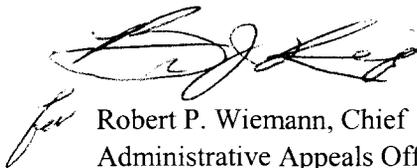
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254.

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.

  
for 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 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 record reveals that the applicant filed a late initial TPS application on April 26, 2005, under CIS receipt number WAC 05 208 71753. The director denied the application on April 25, 2006, because the applicant failed to establish that she was eligible for late initial registration for TPS.

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 April 26, 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).

With her TPS application, the applicant submitted a copy of: 1) the biographic page of her passport; 2) her birth certificate with an English translation; 3) a reference letter from a former landlady stating that the applicant lived with her and her family from November 25, 2000 through January 28, 2002; 4) an employer reference letter confirming the applicant's employment with [REDACTED] from January 4, 2001 through November 15, 2001; 5) a Medrano Express money transfer receipt, issued November 3, 2004; 6) a Dolex Dollar Express money transfer receipt, dated October 18, 2004; and 7) a Urgente Express envelope, addressed to the applicant, showing a stamp dated February 26, 2001. With her response to the director's notice of intent to deny, issued February 27, 2006, the applicant submitted: 1) an employer reference letter, from Cleaning Service, dated June 11, 2002, stating that the applicant was employed with the company since June 17, 2001; 2) an invoice showing payments in January, February, and March 2001; 3) a reference letter from a former landlady stating that the applicant lived with her and her family from February 2, 2002 through November 30, 2002; and 4) a Dolex Dollar Express money transfer receipt, dated February 15, 2001. The director determined that the applicant had failed to establish she was eligible for late registration and denied the application.

On appeal, applicant states only that she is in need of her EAD card. In an attempt to establish her qualifying residence and physical presence in the United States, the applicant resubmits: 1) a reference letter from a former landlady stating that the applicant lived with her and her family from November 25, 2000 through January 28, 2002; 2) a reference letter from a former landlady stating that the applicant lived with her and her family from February 2, 2002 through November 30, 2002; and 3) a Urgente Express envelope, addressed to a [REDACTED] showing a metered postmark of February 26, 2001. However, this evidence does not mitigate the applicant's failure to file her Form I-821, Application for Temporary Protected Status, within the initial registration period.

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.

Beyond the decision of the director, the applicant has not submitted sufficient evidence to establish her continuous physical presence in the United States during the requisite period. It is also noted that the applicant submitted a photocopy of the biographic page of her passport which reflects that it was issued in El Salvador on October 1, 2002. Therefore, the application must also 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.