



U.S. Citizenship  
and Immigration  
Services

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FILE:



OFFICE: CALIFORNIA SERVICE CENTER

DATE: NOV 27 2006

[WAC 05 133 71446]

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, 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 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 failed to establish she was eligible for late registration. The director further determined that she failed to establish her continuous physical presence and continuous residence in the United States during the regulatory periods.

On appeal, the applicant states that she has been physically living in the United States since 1996 until the present time and that she had answered all correspondence that he received from 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 Hondurans must demonstrate continuous residence in the United States since December 30, 1998, and continuous physical presence since January 5, 1999. The initial registration period for Honduras was from January 5, 1999 through August 20, 1999. The record reveals that the applicant filed her initial application with Citizenship and Immigration Services (CIS) on February 10, 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 March 31, 2006, the Service notified the applicant of its intent to deny her TPS application and requested evidence establishing her eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2). The applicant submitted her response to this request on April 11, 2006.

The director determined that the applicant had failed to establish she was eligible for late registration and denied the application on May 15, 2006. The director further found that she failed to establish her continuous physical presence and continuous residence in the United States during the regulatory periods.

On appeal, the applicant states that she has been physically living in the United States since 1996 until the present time and that she had answered all correspondence that he received from the Service. The applicant also submits copies of various money transfer, money order, and department store receipts. However, this evidence does not establish that she met the requirements under TPS. The receipts with her name on them indicate dates for the years 2004, 2005 and 2006. The department store receipts do not have any identifying marks that could be directly related to the applicant. Therefore they are not credible evidence since said purchases could have been made by any individual.

The applicant also failed to submit any evidence that she meets the requirements for late registration as enumerated in 8 C.F.R. § 244.2(f)(2).

The applicant has submitted evidence with her Form I-821 application in an attempt to establish her qualifying residence and physical presence in the United States. However, this evidence does not establish that she met those requirements. 8 C.F.R. § 244.2(b) & (c). The applicant has also 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.

It is also noted that the record of proceedings contain documents, signed by the applicant, indicating that she was apprehended by the U.S. Border Patrol on or about September 14, 2003 near Brownsville, Texas.

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.