

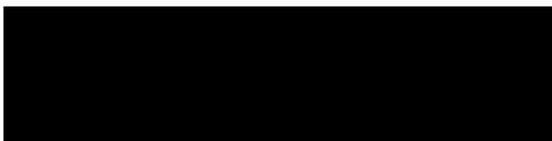
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
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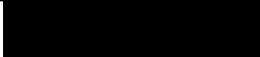
U.S. Citizenship
and Immigration
Services

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FILE:



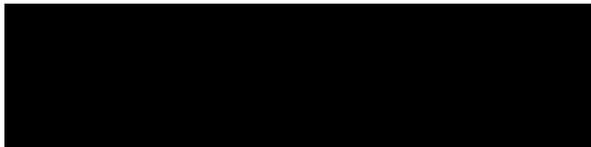
Office: CALIFORNIA SERVICE CENTER

Date: OCT 17 2006

[WAC 05 208 74555]

IN RE:

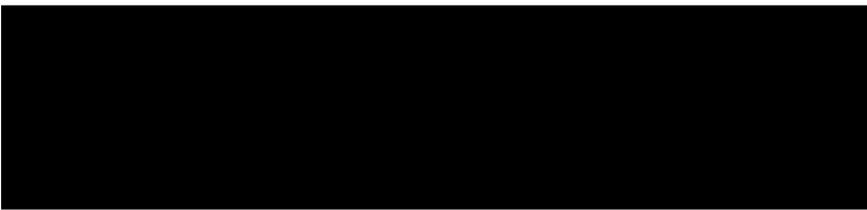
Applicant:



APPLICATION:

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

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the California Service Center. Any further inquiry must be made to that office.

Cindy N. Momen
Robert P. Wiemann, Chief
Administrative Appeals Office *fo*

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 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 applicant filed an initial application for TPS under receipt number SRC 01 195 58814. The director denied that application on March 24, 2003, because the applicant had not met the continuous residence requirement for TPS. The applicant did not appeal the director's decision of denial.

The applicant filed the current Form I-821, on April 26, 2005, and indicated that he was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

If an alien is filing a re-registration application, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

The applicant has not previously been granted TPS. Therefore, he is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

It is noted that the applicant furnished insufficient credible evidence to establish continuous residence in the United States since February 13, 2001, and continuous physical presence from March 9, 2001, to the date of filing the TPS application (on April 24, 2001). The applicant submitted copies of his IRS Form 1099-MISC, U.S. Miscellaneous Income Tax Statement for 1999, 2000, 2001, and 2003 and a copy of his permission statement to Cristat Clinical Reference Laboratory for them to collect his urine and/or saliva for testing under Social Security number [REDACTED]. He also provided copies of his IRS Form W-2, Wage and Tax Statement for 2003 from Atlas Enterprises of America in Alexandria, Virginia, under social security number [REDACTED]. However, the applicant indicated on his initial and all his subsequent TPS applications that he has no Social Security number. Doubt cast on any aspect of the applicant's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the application. It is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth, in fact, lies, will not suffice. *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988). The applicant has failed to establish that he has met the criteria for continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001, as described in 8 C.F.R. § 244.2(b) and (c). Therefore, the application will also be denied for these reasons.

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.