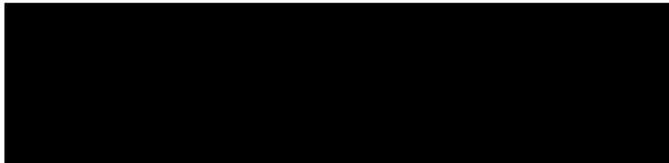


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U.S. Citizenship
and Immigration
Services

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FILE:



Office: California Service Center

Date:

OCT 31 2006

[WAC 05 320 70216]

IN RE:

Applicant:



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

ON BEHALF OF PETITIONER: 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 is a citizen of Honduras who is applying for 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 August 16, 2005 under CIS receipt number WAC 05 320 70216. The director denied that application on May 26, 2006, because the applicant failed to establish that he was eligible for late registration and failed to establish his identity.

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 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. The initial registration period for Hondurans was from January 5, 1999, through August 20, 1999. The record reveals that the applicant filed his application with Citizenship and Immigration Services (CIS) on August 16, 2005.

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

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).

The director noted that on March 31, 2006, the applicant was requested to submit evidence of his eligibility for TPS, including eligibility for late initial registration, and evidence of his continuous residence and his continuous physical presence in the United States, and evidence of his identity. In response, the applicant submitted: a photocopy of a birth certificate in Spanish, with an English translation, and as with the initial TPS application, the applicant submitted numerous generic receipts. The director determined that the applicant had failed to establish he was eligible for late registration, and failed to establish his identity, and therefore, denied the application.

On appeal the applicant states that he has been in the United States since 1998, and in an attempt to establish his eligibility for TPS, he submits photocopies of: a biographic page of his passport; a Florida vehicle registration, issued on May 3, 2006; numerous generic receipts; a rent receipt dated May 20, 2006; a Jet Tire Service receipt, issued on May 13, 2006; a Florida Automobile Insurance Identification Card, issued with a December 28, 2005 effective date; an auto insurance renewal notice, dated May 22, 2006; and a vehicle certificate of title, issued May 3, 2006. However, this evidence does not mitigate the applicant's failure to file his Form I-821, Application for Temporary Protected Status, within the initial registration period. The applicant has not submitted any evidence to establish that he has met any of the criteria for late registration described in 8 C.F.R. § 244.2(f)(2). Therefore, the director's decision to deny the application on this basis is affirmed.

The second issue in this proceeding is whether the applicant has established his identity. As noted above, the director specifically requested evidence of the applicant's identity in the notice of intent to deny. The applicant failed to submit sufficient evidence to establish his nationality and identity. The applicant furnished a copy of a birth certificate and English translation; however, he did not submit a national identity

document from his country bearing a photograph and or/fingerprint. The birth certificate alone is insufficient to establish the applicant's identity and nationality under the provision of 8 C.F.R. § 244.9(a)(1).

On appeal, the applicant submitted a photocopy of the biographic page of his Honduran passport. Therefore, the applicant has overcome this portion of the director's decision. However, the applicant remains ineligible for TPS because of his failure to establish eligibility for late initial registration.

Beyond the decision of the director, the applicant has not submitted sufficient evidence to establish his continuous residence in the United States from December 28, 1998 and his continuous physical presence since January 5, 1999. 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 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.