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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED]  
[WAC 06 136 70073]

OFFICE: California Service Center

DATE:

**APR 27 2007**

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.

A handwritten signature in cursive script, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The applicant claims to be 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 director denied the application on the grounds that the record failed to establish the applicant's nationality and identity; that the applicant had been continuously resident and continuously physically present in the United States for the required periods of time; and that he filed a TPS application during the initial registration period for El Salvadoran nationals or was eligible for late registration.

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.

The phrase 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.

The phrase 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.

El Salvadoran nationals applying for TPS 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 El Salvadorans was from March 9, 2001, through September 9, 2002. The record reveals that the applicant filed his initial TPS application with Citizenship and Immigration Services (CIS) on February 13, 2006.

To qualify for late registration, the applicant must provide evidence that during the initial registration period he satisfied at least one of the criteria enumerated 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. See 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. See 8 C.F.R. § 244.9(b).

On July 10, 2006, the applicant was requested to submit evidence establishing his eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2), his date of entry into the United States, his nationality/identity, as well as his continuous residence in the United States since February 13, 2001 and continuous physical presence in the United States since March 9, 2001. In response the applicant, who claims to have entered the United States without inspection on July 15, 2000, submitted a letter from an individual who claims to have rented an apartment to the applicant from January 1, 2001, to January 1, 2005; a letter from a church secretary who claims that the applicant "has been assisting our church occasionally since February of 2001"; photocopies of two checks from the applicant dated in June and July 2003 and an adult education certificate dated December 19, 2002; a bank statement from August 2003; and a hospital bill from May 2003.

In a Notice of Decision issued on July 12, 2006, the director determined that the evidence submitted by the applicant failed to establish his nationality and identity, that he had been continuously resident in the United States since February 13, 2001, and continuously physically present in the United States since March 9, 2001; and that he had either filed a TPS application during the initial registration period that ended on September 9, 2002 or was eligible to file for late TPS registration.

The applicant filed a timely appeal, but did not cite any errors in the director's decision or submit any additional documentation in support of the application. Thus, the record still contains no evidence to establish that the applicant meets any of the criteria for late registration described in 8 C.F.R. § 244.2(f)(2). Nor does it contain a photo identification of the applicant, in accompaniment of his birth certificate, as requested in the notice of intent to deny on May 5, 2006, to establish the applicant's nationality and identity. Therefore, the director's denial of the application on those grounds will be affirmed.

As for evidence of the applicant's residence and physical presence in the United States, the previously submitted evidence does not include any documents that date before December 2002. The only documents that purport to cover the years 2001 and 2002 are the two letters, written in July 2006. The one from the church secretary states that the applicant had assisted occasionally at the church since February 2001, but provides no information as to the applicant's address in 2001 and later years, and does not indicate whether the church secretary's knowledge is firsthand or obtained secondhand from other sources. As for the letter from the individual who purports to be the applicant's former landlord, it provides little information about the applicant. Moreover, letters from acquaintances are not, by themselves, persuasive evidence of residence and physical presence in the United States. As previously noted, the other documents submitted by the applicant all date between December 2002 and August 2003. The AAO concurs with the director's decision that the documentation of record does not demonstrate the applicant's qualifying continuous residence in the United States since February 13, 2001 and continuous physical presence in the United States since March 9, 1991. Accordingly, the director's denial of the application on those grounds 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 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 that burden.

**ORDER:** The appeal is dismissed.