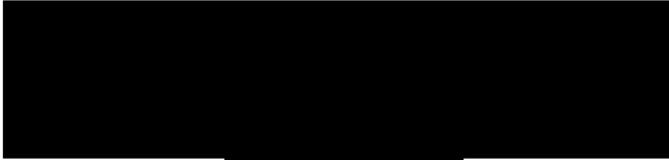




U.S. Citizenship
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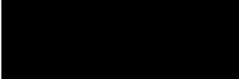
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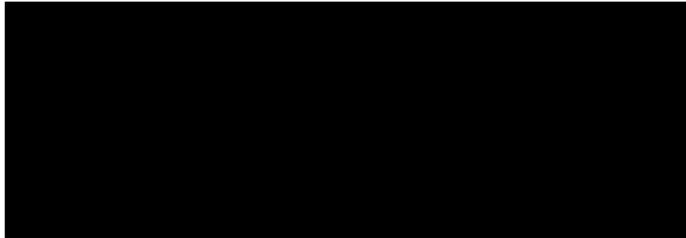
Office: California Service Center

Date: **APR 30 2007**

[WAC 05 222 81927]

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 California Service Center. 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 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 an initial TPS application on August 6, 2001 under CIS receipt number SRC 01 258 54155. The director, Texas Service Center, denied the application, on September 3, 2004, because the applicant failed to appear for scheduled fingerprinting. The director, therefore, considered that application abandoned. 8 C.F.R. § 103.2(b)(13). A denial due to abandonment may not be appealed; however, an applicant may file a motion to reopen under 8 C.F.R. § 103.5 within 30 days of the denial decision. The record does not reflect that the applicant filed a motion to reopen.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 10, 2005, under CIS receipt number WAC 05 222 81927, and indicated that she was re-registering for TPS.

The director denied that application on August 16, 2005, because the applicant's prior TPS application had been denied and the applicant was not eligible for to re-register for TPS.

On appeal, the applicant states that she is eligible for TPS and she is submitting proof of her eligibility. With the appeal, the applicant submits a copy of: an Employment Authorization Card, which expired on March 9, 2005; a Social Security card for [REDACTED]; a photo Cedula; a birth certificate, with an English translation; a 2000 W-2 Wage and Tax Statement, under the name [REDACTED]; an Affidavit by [REDACTED] stating that [REDACTED] his wife, has lived with him since June 20, 2000, and that she worked for a little while in 2000, but he provides 100% of her support; a Georgia Driver's license, for [REDACTED] which expired December 7, 2006; an Employment Authorization Card, for [REDACTED] which expired March 9, 2005; a Social Security card for [REDACTED] a Marriage Certificate (in Spanish) with an English translation; 4 check stubs, for [REDACTED], dated March 26, 2000; August 13, 2000, February 25, 2001, and July 29, 2001, from [REDACTED]; childbirth and Medicare information pertaining to a her child, born February 14, 2003; and a 2002 Individual Tax Return, Form -1040, with a 2002 W-2 for [REDACTED]

If the applicant is filing an application as a re-registration, 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.

In this case, the applicant has not previously been granted TPS. Therefore, she 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 has not submitted sufficient evidence to establish her continuous residence and continuous physical presence for TPS. Although the applicant claimed that she was married to the TPS registrant, [REDACTED] and she submitted an affidavit from [REDACTED] stating that the applicant lived with him and he provided 100% of her support since she came to the United States on June 20, 2000, the applicant stated on her 3 TPS applications, filed on August 6, 2001, November 04, 2002, and May 10, 2005, that

her husband resides in El Salvador. The applicant also submitted a Form I-1040, 2002 Individual Tax Return, showing her filing status as "Single". This casts doubt on the reliability of the evidence the applicant submitted in support of her application. 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 lies, will not suffice. *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988). The applicant has failed to submit any objective evidence to explain or justify the discrepancies within her TPS application, and her submissions in support of the application. Therefore, the reliability of the remaining evidence offered by the applicant is suspect and it must be concluded that the applicant has failed to establish her continuous residence and her continuous physical presence. Accordingly, 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.