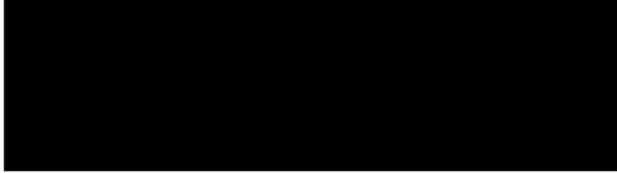




U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**  
identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

*MI*



FILE: [REDACTED]  
[WAC 05 225 70040]

Office: California Service Center

Date: APR 30 2007

IN RE: Applicant: [REDACTED]

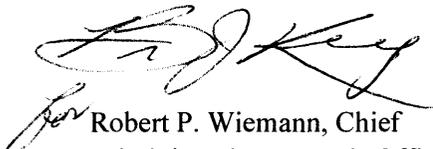


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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.

  
for 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 5, 2002, under CIS receipt number SRC 02 240 53804. The Texas Service Center director denied the application for abandonment, on March 24, 2003, because the applicant failed to submit evidence requested in a January 28, 2003 notice of intent to deny, within 30 days. It is noted that in the notice of intent to deny, which was mailed to the applicant's last known address and was not returned as undeliverable, the applicant was requested to submit evidence to establish her continuous residence in the United States, her continuous physical presence, and her nationality and identity. 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 13, 2005, under CIS receipt number WAC 05 225 70040, and indicated that she was re-registering for TPS.

The director denied that application on October 4, 2005, because the applicant's prior TPS application had been denied and the applicant was not eligible to re-register for TPS.

On appeal, the applicant reasserts eligibility for TPS, and states that she sent all of the information requested and she would like the opportunity to live and be educated in the United States. With the appeal, in an attempt to establish eligibility for TPS, the applicant submits:-

- The biographic page of her passport;
- An El Salvador birth certificate with an English translation; and,
- Photocopies of her Application for Temporary Status, Form I-821, her Application for Employment Authorization, Form I-765; various CIS application receipt notices; a mail receipt, dated in August 2002; and five envelopes, one dated-stamped in 2002, and four in 2005.

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.

Beyond the decision of the director, the applicant failed to submit sufficient evidence to establish her continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001. It is noted that although the applicant stated on her TPS application that she entered the United States in 2000, her father's initial TPS application, Form I-821, filed on April 3, 2001, indicates that the applicant was in El Salvador at the time, and she was not in the United States during the registration period for El Salvadorans.

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 in the entry dates in the record. 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 continuous physical presence in the United States during the requisite period. Consequently, for this additional reason, the application must be denied.

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.