



U.S. Citizenship  
and Immigration  
Services

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[REDACTED]

FILE:

[REDACTED]

Office: California Service Center

Date: APR 30 2007

[WAC 05 223 92811]

IN RE:

Applicant:

[REDACTED]

APPLICATION:

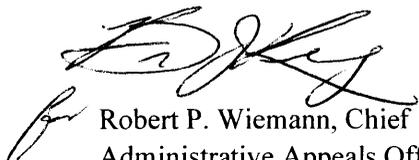
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254.

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.

  
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 stated 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 record reveals that the applicant filed an initial TPS application on March 11, 2002, under CIS receipt number SRC 02 122 54021. The director denied the application on March 8, 2003, because the applicant failed to submit a photo ID within 30 days as requested by the director in a notice of intent to deny issued on January 17, 2003. The record does not reflect an appeal of the decision.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on May 11, 2005, under CIS receipt number WAC 05 223 92811, and indicated that she was re-registering for TPS. The director denied the re-registration application, on August 16, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

On appeal, the applicant asserts that she is eligible for TPS as a minor child of a TPS registrant. With her appeal, in an attempt to establish eligibility for TPS, the applicant submits a photocopy of a birth certificate (in Spanish), with an English translation; copies of 4 documents for her mother, [REDACTED] an Employment Authorization Document, a State of Georgia Driver's License, a Social Security card, and a photocopy of a birth certificate (in Spanish), with an English translation; her Employment Authorization Document that expired on September 9, 2002, and her Social Security card.

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 that she has continuously resided in the United States since February 13, 2001, and that she has been continuously physically present since March 9, 2001. Although on her TPS applications and on her Form I-765, Application for Employment Authorization, the applicant stated that she entered the United States on December 2, 2000, a review of the A-File for the applicant's parent ([REDACTED]) reveals that on her TPS application, filed on April 30, 2001, in Part 3, under "Information about your spouse and children (if any)," she listed the applicant, as being in El Salvador. 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. For this additional reason, the application must be denied.

In addition, the applicant has not submitted sufficient evidence to establish her nationality and identity. The applicant has furnished a copy of an El Salvador birth certificate and English translation; however, she has not submitted a national identity document from her 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). 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.