



U.S. Citizenship  
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FILE: [REDACTED]  
[EAC 06 238 79046]

Office: VERMONT SERVICE CENTER

Date: **AUG 24 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 Vermont 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, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant claims to be a native and 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 director denied the application because the applicant failed to establish she was eligible for late initial registration. The director also found that the applicant had not established that she had been continuously physically present in the United States since January 5, 1999 and that she had continuously resided in this country since December 30, 1998.

On appeal, the applicant states that she was living in New Orleans during the hurricane Katrina disaster and lost all of the documents that were requested to support her application. She requests that her application be approved.

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 temporary protected status only if such alien establishes that he or she:

- (a) Is a national, as defined in section 101(a)(21) of the Act, of a foreign 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 TPS 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 shows that the applicant filed her application with Citizenship and Immigration Services on May 26, 2006.

To qualify for late registration, an applicant must provide evidence that during the initial registration period, he or she fell within at least one of the provisions described in 8 C.F.R. § 244.2(f)(2) above.

On August 16, 2006, the applicant was requested to submit evidence establishing her eligibility for late registration as set forth in the regulations at 8 C.F.R. § 244.2(f)(2). The applicant was also requested to submit evidence establishing her continuous residence and continuous physical presence in the United States. The applicant, in response, provided documentation relating to her residence and physical presence in this country. However, she did not submit any evidence to establish that she was eligible for late initial registration.

On appeal, the applicant submitted evidence in an attempt to establish her continuous residence and continuous physical presence in the United States. However, this evidence does not mitigate the applicant's failure to file her Application for Temporary Protected Status within the initial registration period. The applicant has not submitted any evidence to establish that she has met any of the criteria for late registration described in the regulations at 8 C.F.R. § 244.2(f)(2). Consequently, the director's decision to deny the application for TPS is affirmed.

The second issue in this proceeding is whether the applicant has established his continuous residence in the United States since December 30, 1998, and her continuous physical presence in this country since January 5, 1999.

The applicant submitted the following documentation relating to these issues:

1. An affidavit dated August 15, 2006, from [REDACTED] in Dallas, Texas, who states that he has known the applicant since 1998 and that she worked as a babysitter for him for a period of six months.
2. An affidavit dated September 5, 2006, from [REDACTED] in Dallas, Texas, who states the applicant has been a neighbor and friend and a caretaker of her children since February 1998.

3. An affidavit dated September 6, 2006, from [REDACTED] of Keys Fitness Products in Texas, who states that the applicant took care of his two children and that he has known her since March 1998.
4. An affidavit dated September 10, 2006, from [REDACTED] in Dallas, Texas, who states that the applicant lived in her house in 1998.
5. A copy of a State of Florida identification card issued to the applicant on October 29, 1991.
6. A copy of a receipt showing that the applicant was issued a driver's license in Florida on December 13, 1991.
7. A copy of her son's newborn identification, State of Florida certification of birth and United States passport showing that he was born in Florida on December 20, 1991.
8. A copy of a letter dated August 23, 2006, from a counselor at the Miami-Dade County Public Schools indicating that the applicant studied English for Speakers of Other Languages at its Center from January 4, 1993 to April 21, 1993.
9. A copy of her State of Florida driver's license issued on June 29, 2000.

On appeal, the applicant acknowledges that no additional evidence that demonstrates that the applicant was in the United States until May 26, 2006 exists. No further evidence was submitted on appeal. Without corroborative evidence, the affidavits from acquaintances do not substantiate clear and convincing evidence of the applicant's residence in the United States. It is determined that the applicant has not submitted sufficient evidence to establish her continuous residence in the United States since December 30, 1998, or her continuous physical presence in this country since January 5, 1999. She has, therefore, failed to establish that she has met the criteria described in 8 C.F.R. § 244.2(b) and (c). Consequently, the director's decision to deny the application for TPS will be affirmed for these additional reasons.

Although not addressed by the director, the applicant has provided insufficient evidence to establish that she is a national or citizen of Honduras. The record does not contain any photo identification such as a passport or national identity document to establish her nationality. 8 C.F.R. § 244.2(a) and § 244.9(a)(1).

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.