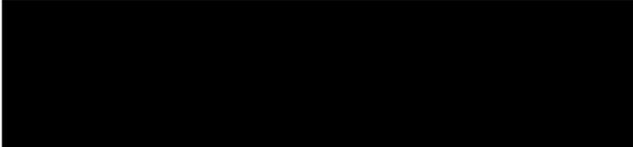




U.S. Citizenship
and Immigration
Services

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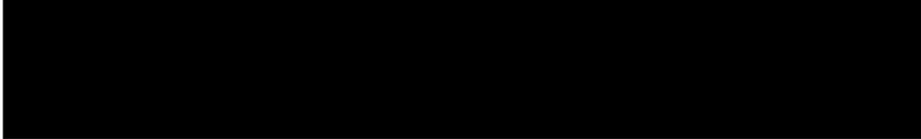
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FILE: [REDACTED]
[WAC 05 152 73192]

Office: CALIFORNIA SERVICE CENTER Date: **DEC 31 2007**

IN RE: Applicant: [REDACTED]

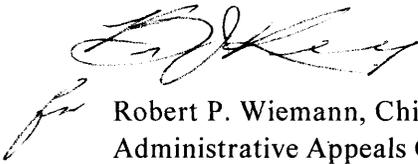


APPLICATION: Application for Temporary Protected Status under Section 244 of the
Immigration and Nationality Act, 8 U.S.C. § 1254

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.


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 native and 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 determined that the applicant failed to establish she: 1) had continuously resided in the United States since February 13, 2001; 2) had been continuously physically present in the United States since March 9, 2001; and 3) was eligible for late registration. The director, therefore, denied the application.

On appeal, the applicant states that she entered the United States on October 29, 2000 and submitted evidence of her physical presence since that date. The applicant also submits evidence in an attempt to establish her qualifying residence and physical presence in the United States.

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 as 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.

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.

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.

Persons applying for TPS offered to El Salvadorans must demonstrate that they have continuously resided in the United States since February 13, 2001, and that they have been continuously physically present in the United States since March 9, 2001. On July 9, 2002, the Attorney General announced an extension of the TPS designation until September 9, 2003. Subsequent extensions of the TPS designation have been granted, with the latest extension granted until September 9, 2007, upon the applicant's re-registration during the requisite period.

The initial registration period for El Salvadorans was from March 9, 2001 through September 9, 2002. The record shows that the applicant filed this application on March 1, 2005.

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 Citizenship and Immigration Services (CIS). 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. 8 C.F.R. § 244.9(b).

The first issue in this proceeding is whether the applicant is eligible for late registration.

The record of proceeding confirms that the applicant filed her application after the initial registration period had closed. To qualify for late registration, the applicant must provide evidence that during the initial registration period from March 9, 2001 through September 9, 2002, she fell within the provisions described in 8 C.F.R. § 244.2(f)(2) (listed above). If the qualifying condition or application has expired or been terminated, the individual must file within a 60-day period immediately following the expiration or termination of the qualifying condition in order to be considered for the late initial registration. 8 C.F.R. § 244.2(g).

On May 16, 2006, the applicant was provided the opportunity to submit evidence establishing her eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2). The applicant was also requested to submit evidence establishing her continuous residence in the United States since February 13, 2001, and her continuous physical presence in the United States from March 9, 2001, to the filing date of the application. The applicant, in response, provided evidence in an attempt to establish continuous residence and continuous physical presence during the

qualifying period. She did not present evidence of her eligibility for late registration. Therefore, the director denied the application.

On appeal, the applicant states that she entered the United States on October 29, 2000. The applicant further states that she submitted her application with documentation to establish her physical presence since October 2000. The applicant also submits evidence in an attempt to establish her continuous residence and physical presence in the United States during the qualifying period. However, this does not mitigate the applicant's failure to file her TPS application 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 8 C.F.R. § 244.2(f)(2). Consequently, the director's conclusion that the applicant failed to establish her eligibility for late registration will be affirmed.

The second and third issues in this proceeding are whether the applicant has established her continuous residence in the United States since February 13, 2001, and her continuous physical presence in the United States since March 9, 2001.

As stated above, the applicant was requested on May 16, 2006, to submit evidence establishing her qualifying continuous residence and continuous physical presence in the United States. In response, the applicant submitted the following documentation:

1. Copies of a Salvadoran Identification card, and birth certificate.
2. Statements from [REDACTED] and [REDACTED]
3. A copy of the employment authorization card of the applicant's husband and a copy of her marriage license.
4. Copies of hand-written rent receipts dated April 7, 2001 and November 10, 2000.
5. Copies of partially dated airline ticket stubs and a copy of an envelope date-stamped November 4, 2002.
6. Copies of money transfer receipts dated December 22, 2000, December 3, 2002, December 19, 2002 and September 8, 2003.
7. Copies of an undated customer registration for an undated document from the Arizona Fraternal Order of Police, a SRP bill dated January 21, 2003, and a SRP receipt dated January 20, 2004, an undated wireless bill, a copy of an ultrasound instructions sheet dated Sept 30, 2003, prescriptions dated November 23, 2003, and June 9, 2004, and a letter from Assurant Group dated November 4, 2003.
8. A copy of an apartment lease dated November 20, 2002, and rent reminders dated December 3, 2002.

The director concluded that the applicant had failed to establish her qualifying residence and physical presence in the United States during the requisite periods and denied the application. On appeal, the applicant submits:

9. Copies of Cox Communications bills dated December 10, 2002, January 7, 2003, a

bill with due dates of April 3, 2003, July 8, 2003, December 28, 2005, SRP bills dated December 30, 2002, February 20, 2003, March 21, 2003, April 1, 2003, April 23, 2003, May 21, 2003, December 23, 2003, December 5, 2004, National Water & Power bills dated July 15, 2003, November (date unreadable) 2004, December 1, 2004, and an undated wireless bill.

10. Copies of Rent Reminders dated January 31, 2003, February 26, 2003, March 26, 2003, October 27, 2003, and January 30, 2004.
11. Copies of a money order receipt dated November 7, 2003, a receipt with an illegible date, copies of money transfer receipts dated April 10, 2003, September 8, 2003, and October 21, 2005.
12. Copies of Wells Fargo account statements for August 1, 2003 through August 13, 2003, and August 14, 2003 through September 12, 2003, November 15, 2003 through December 11, 2003, and December 12, 2003 through January 14, 2004.
13. A copy of a prescription dated September 23, 2003, a Sonora Quest Laboratories invoice dated October 26, 2003, a bill from Today's Women Health Specialists dated September 23, 2003, a Voyager Indemnity Insurance Company Declaration Statement dated November 1, 2003, a bill from Arizona Medical Imaging Network dated March 26, 2004, and part of a document from Chandler Regional Hospital dated January 24, 2004.
14. Copies of unsigned lease agreements commencing on December 1, 2004, and November 28, 2005, an envelope date-stamped May 2, 2005, and a letter from Greenfield Online dated August 1, 2005.
15. Copies of a receipt from the City of Chandler City Clerk's Office dated March 17, 2004, and birth certificates for the applicant's children issued on May 28, 2004 and April 13, 2006.

█ states that she employed the applicant from February 2001 to Mid-December 2002. This statement has little evidentiary weight or probative value as it does not provide basic information that is expressly required by 8 C.F.R. § 244.9(a)(2)(i). Specifically, the affiant does not provide the address where the applicant resided during the period of her employment. It is further noted that the affiant did not indicate the exact periods of employment. █ states that the applicant lived with her from November 2000 through July 2002. However, this statement is not supported by any corroborative evidence. It is reasonable to expect that the applicant would have some type of contemporaneous evidence to support these assertions; however, no such evidence has been provided. Affidavits are not, by themselves, persuasive evidence of residence or physical presence.

One of the rent receipts indicates a date of April 7, 2001, and is the earliest date presented as evidence of the applicant's presence in the United States during the requisite period. Therefore, this evidence is of little or no probative value.

The applicant has not submitted sufficient evidence to establish her qualifying residence since February 13, 2001, and her continuous physical presence in the United States since March 9, 2001. 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 temporary protected status on these 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 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.