



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: California Service Center

Date: FEB 06 2007

[WAC 05 210 70985]

IN RE:

Applicant:



APPLICATION:

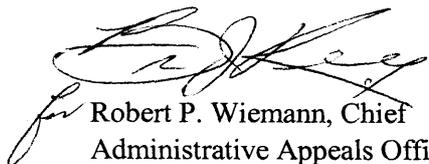
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

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 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 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 April 21, 2001, under CIS receipt number SRC 01 195 62320. The Texas Service Center director denied the application, on March 3, 2002, due to abandonment as the applicant failed to respond, within 120 days, to a January 3, 2004, request for evidence to submit a photo identification to establish her identity and nationality. It is noted that the record reveals that the request for evidence, which was mailed to the applicant's last known address, was returned as undeliverable. The director considered the 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. 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 February 25, 2005, under CIS receipt number WAC 05 210 70985, and indicated that she was re-registering for TPS.

The director denied that application on September 26, 2005, because the applicant's initial TPS application had been denied as the applicant was not eligible to apply for re-registration for TPS.

On appeal, the applicant states that she never received the January 24, 2004 request for evidence, and that she submitted an Alien's Change of Address to the Texas Service Center in November 2003. With her appeal, in an attempt to establish eligibility for TPS, the applicant submits photocopies of:

1. A completed Alien's Change of Address form, signed December 19, 2003;
2. Two CIS receipt notice, dated November 14, 2002, and August 15, 2003;
3. A CIS denial notice, dated September 26, 2005;
4. A CIS approval notice, dated January 23, 2003;
5. Two CIS Form I-797D information mailers, dated February 4, 2003, and September 23, 2003;
6. Three EAD cards with expiration dates, in 2002, 2003, and 2005;
7. A U.S. Postal Service Certified Mail Receipt, date-stamped December 22, 2003; and
8. A U.S. Postal Service Domestic Return Receipt, date-stamped November 7, 2002.

It is noted that although the applicant stated that she submitted a change of address notice to the Texas Service Center in November 2003, the U.S. Postal Service Certified Mail Receipt is date-stamped December 22, 2003, and addressed to the USCIS Change of Address office in London, KY, and the Domestic Return Receipt addressed to the Texas Service Center is date-stamped November 7, 2002. The certified mail receipt, date-stamped December 22, 2003, is inconsistent with the applicant's assertion that she submitted the change of address notice in November 2003. It is the applicant's responsibility to address discrepancies in her statements. 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 her submissions pertaining to her change of address notice. Therefore, the reliability of the remaining evidence offered by the applicant is suspect.

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 has not submitted sufficient evidence to establish her nationality and identity. The applicant has furnished a copy of a 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 must also be denied for these reasons.

It is also noted that the record reveals that the applicant was apprehended on entry, on December 31, 1998, placed in Removal Proceedings, and ordered removed to El Salvador, on June 3, 1999, by the Immigration Judge.

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.