



U.S. Citizenship  
and Immigration  
Services

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FILE:  Office: California Service Center  
[WAC 05 159 71880]

Date: **JAN 05 2007**

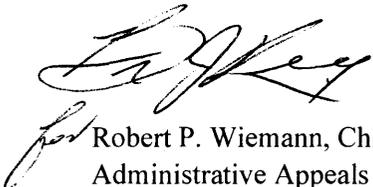
IN RE: Applicant: 

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.

  
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 a late initial TPS application on November 14, 2002, under CIS receipt number SRC 03 093 54857. The director denied that application on May 1, 2003, because the applicant failed to establish her eligibility for TPS. The director noted that the applicant failed to establish her continuous residence in the United States on or prior to February 13, 2001, and continuous physical presence since March 9, 2001. The record reflects that on December 8, 2003 the applicant filed a motion to reopen/reconsider. The director denied the motion on January 20, 2004. In her denial of the motion, the director noted that the motion was not timely filed as it was filed over 7 months after the director's denial of the application. The director noted further that the applicant did not submit evidence with the motion to establish her continuous residence on or prior to February 13, 2001.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on March 8, 2005, and indicated that she was filing a re-registration application. The director denied that application on April 24, 2006, because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for TPS.

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.

On appeal, the applicant states that she was under the impression that she could file a new initial application for TPS as the dependent child of her mother who is a TPS recipient. In support of her appeal, in an attempt to establish eligibility for TPS, the applicant submitted a copy of her birth certificate, with an English translation; a copy of the biographic page of her passport; her school transcripts for the school years 2001 through 2005; immunization records showing immunization treatments from August 2001 and ending in August 2002; Form 1040, U.S. Individual Income Tax Returns, for her parents for 2001 through 2004, listing the applicant as a dependent; and an undated letter from a church [REDACTED] stating that the applicant has been a parishioner since February 2001. However, the [REDACTED] letter does not indicate that the applicant was in the United States on or before February 13, 2001. It is noted that although the applicant states that she arrived in the United States on February 3, 2001, the applicant did not provide any supporting evidence. None of these documents establish the applicant's continuous residence in the United States on or prior to February 13, 2001, and continuous physical presence since March 9, 2001.

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.

It is noted that the director's decision does not explore the possibility that the applicant was attempting to file a late initial application for TPS instead of an annual re-registration.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant may apply for TPS during the initial registration period, or:

- (f) (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.

The initial registration period for El Salvadorans was from March 9, 2001 to September 9, 2002. The record reveals that the applicant filed the current application with Citizenship and Immigration Services (CIS) on March 8, 2005.

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

The burden of proof is upon the applicant to establish that she meets the above requirements. Applicants shall submit all documentation as required in the instructions or requested by 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 applicant has failed to provide any evidence to establish that this application should be accepted as a late initial registration under 8 C.F.R. § 244.2(f)(2). Therefore, the application also must be denied for this reason.

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.