



U.S. Citizenship
and Immigration
Services

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FILE:



[WAC 05 165 70058]

Office: CALIFORNIA SERVICE CENTER

Date: **JAN 08 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.

A handwritten signature in black ink, appearing to read "R. Wiemann".
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 (AAO) on appeal. The appeal will be summarily dismissed.

The applicant is stated to be a native and citizen of Honduras who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The applicant filed his initial Form I-821, Application for Temporary Protected Status, on March 14, 2005. On February 14, 2006, the applicant was requested to submit evidence establishing his 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 his continuous physical presence in the United States from January 5, 1999 and evidence establishing his continuous residence in the United States from December 30, 1998. On March 2, 2006, the applicant responded by providing earning statements dated March 30, 2001, November 27, 2003, January 1, 2004, and September 15, 2005, a medical bill for [REDACTED] dated February 6, 2002, his Honduran passport, his Virginia identification card, affidavits from [REDACTED] and [REDACTED] claiming the applicant worked with them in 1999 and 2000, and an affidavit from [REDACTED] claiming the applicant worked for her in 1998 and a copy of paycheck [REDACTED]. On April 5, 2006, the director denied the application after determining that the applicant failed to establish eligibility for late registration.

On appeal, the applicant failed to provide any statement regarding his appeal.

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. 8 C.F.R. § 103.3(a)(1)(v).

Inasmuch as the applicant has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

The applicant claims that he entered the United States on July 25, 1998. However, he has not submitted sufficient evidence to establish his continuous residence and continuous physical presence in the United States during the requisite time periods. The only evidence the applicant submitted in support of his claim that he has been continuously present and residing in the United States during the qualifying time periods, are two affidavits, from [REDACTED] and [REDACTED]. However, affidavits are not, by themselves, persuasive evidence of residence or physical presence. These affidavits have little evidentiary weight or probative value as they do not provide basic information that is expressly required by 8 C.F.R. § 244.9(a)(2)(v). Specifically, the individuals do not explain the origin of the information to which they attest, nor do they provide the address where the applicant resided during the periods of employment. Additionally, the affidavits are not supported by corroborative evidence.

It is noted that the applicant was deported from the United States on June 19, 1990.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The appeal is dismissed.