



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED]
[SRC 02 028 54158]

Office: NEBRASKA SERVICE CENTER

Date: JUL 18 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:

[REDACTED]

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
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Nebraska Service Center (NSC). A subsequent appeal was treated as a motion to reopen and was also denied by the director. The matter 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.

In his denial, the NSC director noted that the applicant had submitted numerous documents dated between April 2001 through March 2004. The director then determined that the applicant had failed to establish he had continuously resided in the United States since February 13, 2001 and had been continuously physically present in the United States since March 9, 2001.

On appeal, counsel argues that the affidavits for relatives and people that knew the applicant in El Salvador should have overcome the objections of the director. Counsel acknowledges that the applicant did not have evidence showing that he continuously residing and had been continuously physically present in the United States until April 2001. Counsel explains that the applicant had been in the United States for less than a month prior to February 13, 2001, and that he did not obtain regular employment until April 2001. Counsel further explains that the applicant did not pay rent or utilities because he lived with friends and did not have pay stubs because he worked helping friends and was paid in cash. Counsel requests that the application be approved.

Persons applying for TPS offered to El Salvadorans must demonstrate continuous residence in the United States since February 13, 2001, and continuous physical presence 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 validity until September 9, 2007, upon the applicant's re-registration during the requisite time period.

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. 8 C.F.R. § 244.9(a). The sufficiency of all evidence, however, 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).

On appeal, the applicant acknowledges that no additional evidence that demonstrates that the applicant was in the United States until April 2001 exists. No further evidence was submitted on appeal. Without corroborative evidence, the affidavits from acquaintances and family 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 his continuous residence in the United States since February 13, 2001, or his continuous physical presence in the United States since March 9, 2001. He has, therefore, failed to establish that he 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.

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.