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U.S. Department of Homeland Security
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U.S. Citizenship
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Services

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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: **JUL 27 2007**
[EAC 06 259 72209]

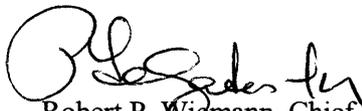
IN RE: Applicant: [REDACTED]

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, Vermont 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 Honduras who is applying for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director denied the application because the applicant failed to establish she was eligible for late registration. The director also denied the application because the applicant failed to establish her qualifying continuous residence and her continuous physical presence in the United States.

On appeal, the applicant asserts her claim of eligibility for TPS and submits some evidence in an attempt to support her claim.

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 designated by the Attorney General is eligible for TPS 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.

The phrase *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.

The phrase *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 Hondurans must demonstrate that they have continuously resided in the United States since December 30, 1998, and that they have been continuously physically present since January 5, 1999.

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 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).

On September 18, 2006, the applicant was requested to submit evidence to establish 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 December 30, 1998, and her continuous physical presence in the United States since January 5, 1999. The applicant was also requested to submit evidence to establish her nationality and identity.

In response, the applicant submitted the following: a copy of her Honduran passport issued on March 30, 2005; copies of several Western Union money transfer receipts dated January 10, 1999, May 21, 1999, December 21, 1999, July 1, 2000, October 20, 2000, June 8, 2001, November 20, 2001, April 20, 2002, August 10, 2002, September 21, 2003, and October 31, 2004; copies of letters from the Internal Revenue Service dated August 8, 2005, and September 12, 2005; a copy of a Comcast billing statement dated September 5, 2006; copies of two cash register receipts from Navarro Discount Pharmacy; and a copy of a Comcast billing statement dated June 25, 2006.

The director determined that the evidence submitted was insufficient to establish the applicant's qualifying continuous residence and continuous physical presence in the United States. The director also determined that the applicant failed to establish her eligibility for TPS late registration. Therefore, the director denied the application on November 20, 2006.

On appeal, the applicant asserts that she has lived in the United States since 1997, and that she has answered all the documents that she has received from CIS.

The applicant also provides copies of the following along with her appeal: her Honduran personal identification card issued on September 24, 2004; a Declaration of Domicile; three Western Union money orders dated June 1, 2006; a prescription dated July 18, 2006; Washington Mutual statement of account covering May 20, 2006 to June 21, 2006; a hand-written receipt dated October 28, 2005; her class schedule dated January 20, 2006; five Western Union money transfer receipts dated January 26, 2006, February 12, 2006, October 10, 2006, November 3, 2006, and one eligible copy; a copy of her 2004 U.S. Individual Income Tax Return; rent check payments dated October 3, 2006, November 1, 2006, and December 1, 2006; various hand-written receipts dated March 25, 2006, July 6, 2006, July 18, 2006; two Comcast billing statements dated September 25, 2006, October 25, 2006, November 11, 2006, and November 25, 2006; and various receipts from merchants and money order receipts dated January 7, 1998 to December 17, 2005, that do not bear any name.

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

The initial registration period for Hondurans was from January 5, 1999, through August 20, 1999. The record reveals that the applicant filed her application with Citizenship and Immigration Services (CIS), on June 16, 2006, over six years after the initial registration period had closed.

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.

On appeal, the applicant submits some evidence in an attempt to establish her qualifying continuous residence and continuous physical presence in the United States during the requisite time periods. However, this evidence does not mitigate the applicant's failure to file her Application for Temporary Protected Status 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 decision to deny the application for TPS late registration will be affirmed.

The second issue in this proceeding is whether the applicant has established her qualifying continuous residence and continuous physical presence in the United States.

The Western Union money transfer receipts dated January 10, 1999, May 21, 1999, December 21, 1999, July 1, 2000, October 20, 2000, June 8, 2001, November 20, 2001, April 20, 2002, August 10, 2002, and September 21, 2003, do not indicate that these transactions were completed by the Western Union representative which is clearly reflected in the receipts dated October 31, 2004, January 26, 2006, February 12, 2006, October 10, 2006, and November 3, 2006. In addition, the cash register and hand-written receipts dated from January 7,

1998, do not bear the applicant's name. The evidence clearly bearing the applicant's name is dated from about October 31, 2004. Also, although the Declaration of Domicile indicates that that applicant claims to have lived in Florida since October 10, 1997, the record does not substantiate this claim.

The sufficiency of all evidence will be judged according to its relevancy, consistency, credibility, and probative value. 8 C.F.R. § 244.9(b). The applicant has not submitted sufficient credible evidence to establish her continuous residence in the United States since December 30, 1998, and her continuous physical presence in the United States since January 5, 1999. The applicant 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 these reasons must 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.