



U.S. Citizenship
and Immigration
Services

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MI

[REDACTED]

FILE:

[REDACTED]

Office: California Service Center

Date:

JUN 27 2007

[WAC 05 088 71935]

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 California Service Center. 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 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 record reveals that the applicant filed a late initial TPS application on April 3, 2002, under CIS receipt number SRC 02 142 54981. The director, Texas Service Center (TSC), denied the application due to abandonment, on July 25, 2002, because the applicant failed to respond to a request for additional evidence to establish his eligibility for TPS. On June 12, 2002, the applicant had been requested to submit evidence establishing his nationality, identity, eligibility for late initial registration, and his continuous residence and his continuous physical presence in the United States during the requisite period. On June 11, 2003, the applicant filed an untimely appeal from the director's decision. The Director (now Chief) of the AAO remanded the matter as it was under the jurisdiction of the TSC director, to be treated as a motion to reopen the director's decision. The TSC Director dismissed the motion on June 14, 2004, because it was untimely filed and the applicant had not provided new facts or additional evidence to establish his eligibility for TPS.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on December 27, 2004, under CIS receipt number WAC 05 088 71935, and indicated that he was re-registering for TPS. The director denied the re-registration application on June 30, 2005, because the applicant's initial TPS application had been denied and the applicant was not eligible to re-register for TPS.

On appeal, the applicant states that he has been living in the United States since 1998, and he would like the opportunity to live and work freely in this country to support his family. With his appeal, in an attempt to establish his continuous residence and his continuous physical presence, the applicant submits documentation consisting of: his 2005 fingerprint application worksheet; money transfer receipts; and, generic purchase money order receipts dated between 2000 and 2005.

However, 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, he 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 applicant states that he entered the United States on October 7, 1998, and claims eligibility for late initial registration as the minor child of a TPS registrant. CIS records reflect that the initial TPS application for [REDACTED], the applicant's parent, filed on April 27, 1999, was approved as of March 8, 2000, and she is an approved TPS registrant. Therefore, during the time of the initial registration period, it appears that the applicant was a minor child of an alien currently eligible to be a TPS registrant. The applicant continues to be a minor unmarried child, and therefore, he is eligible for late initial registration.

However, the application may not be approved. While the regulations allow for the child of a TPS registrant to submit a TPS application as a late initial registration, the regulations do not relax the requirements that individual TPS applicants must meet. In this case the applicant has not submitted sufficient evidence to establish his continuous residence and continuous physical presence in the United States during the requisite period. Although the applicant claims that he entered the United States on October 7, 1998, a review of the TPS files for [REDACTED], indicates that on her TPS applications filed on April 27, 1999, and on June 6, 2001, she listed the applicant as residing in Honduras. However, on her TPS application filed on July 1, 2002, she listed the applicant as residing in Florida. These discrepancies put into question whether the applicant's claimed entry date into the United States is true. It is the applicant's responsibility to address discrepancies in his 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 the entry dates in the record, and his supporting documentation. Therefore, the reliability of the remaining evidence offered by the applicant is suspect and it must be concluded that the applicant has failed to establish his continuous residence and continuous physical presence in the United States during the requisite period. Therefore, the application will also be denied for these reasons.

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.