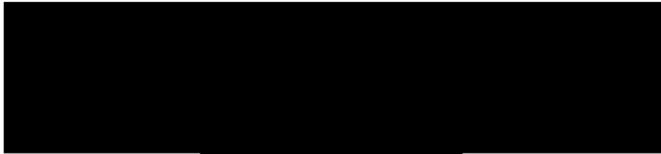


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JUN 27 2007

FILE:



Office: VERMONT SERVICE CENTER

Date:

[EAC 02 270 52405]

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**DISCUSSION:** The applicant's Temporary Protected Status was withdrawn by the Director, Vermont Service Center, and the case is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant claims to be a native and citizen of El Salvador who was granted Temporary Protected Status on August 13, 2003. The director subsequently withdrew the applicant's Temporary Protected Status on February 14, 2006, when it was determined that the applicant was apprehended by border patrol officers after she illegally entered the United States on June 20, 2002, and therefore could not establish continuous residence and continuous physical presence.

The director may withdraw the status of an alien granted Temporary Protected Status under section 244 of the Act at any time if it is determined that the alien was not in fact eligible at the time such status was granted, or at any time thereafter becomes ineligible for such status. 8 C.F.R. § 244.14(a)(1).

On appeal, the applicant states that she was traveling from Los Angeles, California to her mother's residence in Boston, Massachusetts, when she was apprehended by the border patrol officers.

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. An extension of the program for El Salvadorans was granted from September 9, 2003 until March 9, 2005. Subsequent extensions of the TPS designation have been granted with the latest extension valid 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 (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 not submitted any evidence to establish her qualifying residence and physical presence in the United States during the requisite time periods. The record of proceedings shows that the applicant was detained, and her fingerprints were taken and made part of the record. It is further noted that when questioned by border patrol officers, the applicant stated that she was a citizen and national of Guatemala and that her home address was [REDACTED], Departamiento Solola, Guatemala. The applicant further stated that she left Guatemala on or about June 2, 2002, by bus, and traveled to the Mexican border where she entered illegally with her son and common law husband. The applicant further stated that she and her family arrived in Matamoros, Mexico on or about June 11, 2002, where they remained in a motel until June 15, 2002, when they illegally crossed the border into the United States. The applicant stated that she and her family stayed in a motel in Brownsville, Texas until June 20, 2002, when they boarded a bus headed to Houston, Texas. The applicant further stated that she and her family got off the bus near Armstrong, Texas, on Highway 77, where they were arrested by border patrol officers. The applicant also stated that her mother and father were nationals and citizens of Guatemala. Consequently, the director's decision to withdraw the applicant's TPS approval based upon

her conclusion that the applicant had failed to establish continuous residence and continuous physical presence in the United States, will be affirmed.

Beyond the decision of the director, the applicant has not submitted sufficient evidence to establish that she is a national or citizen of El Salvador. As is noted above, border patrol officers apprehended the applicant after she illegally entering the country on June 20, 2002; at which time she stated that she was a national of Guatemala, not El Salvador.

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. The application will be denied for the above reasons, with each considered as an independent and alternative basis for denial.

**ORDER:** The appeal is dismissed.