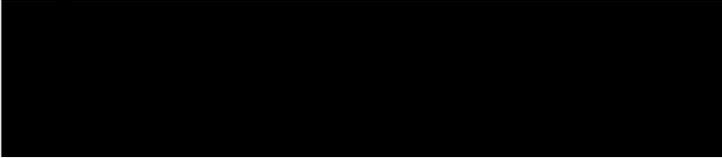


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U.S. Citizenship
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Office: California Service Center

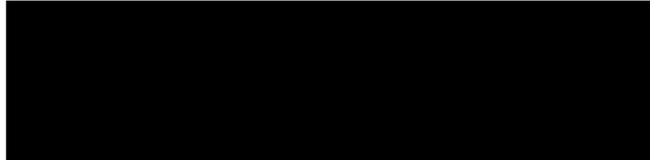
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IN RE:

Applicant:

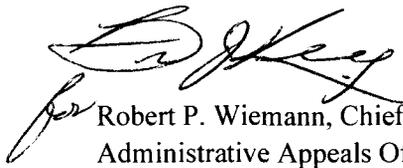


APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254.

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 application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a 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.

The record reveals that the applicant filed a late initial TPS application on August 29, 2005, under CIS receipt number WAC 05 333 70269. The director denied the application on July 12, 2006, because the applicant failed to establish eligibility for late registration, her continuous residence and her continuous physical presence.

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 as designated by the Attorney General is eligible for temporary protected status 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.

Continuously physically present 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.

Continuously resided 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 El Salvadorans must demonstrate continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001. The initial registration period for Salvadorans was from March 9, 2001, through September 9, 2002. The record reveals that the applicant filed her initial application with Citizenship and Immigration Services (CIS) on August 29, 2005.

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).

To qualify for late registration, the applicant must provide evidence that during the initial registration period, she was either in a valid immigration status, had an application pending for relief from removal, was a parolee, or was the spouse/child of an alien currently eligible to be a TPS registrant, and she had filed an application for late registration within 60 days of the expiration or termination of the conditions described in 8 C.F.R. § 244.2(f)(2).

With her TPS application the applicant submitted a copy of: 1) an EAD card for her mother, showing validity from June 17, 2005 and expiring July 5, 2005; 2) a biographic page of her passport; 3) an invoice from Reliant Energy, dated May 16, 2001; and 4) 2 Optel Cable invoices, for July and August 2001.

On May 4, 2006, the applicant was provided the opportunity to submit evidence establishing her eligibility for TPS, and eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2). With her response to the notice of intent to deny, the applicant submitted copies of 5 monthly invoices for Reliant Energy, for services billed between January 16, 2001 and September 16, 2001; 2 Centerpoint Energy invoices billed in March 2002, and in May 2002; and 2 Cellular Connection invoices dated July 18, 2002, and September 22, 2002. The director determined that the applicant failed to submit evidence to establish her continuous residence, continuous physical presence, and eligibility for late initial registration. The director, therefore, denied the application.

On appeal, the applicant asserts that she is eligible for late registration because her mother was eligible for TPS. Service regulations may allow the child of an alien currently eligible to be a TPS registrant to file an application after the initial registration period; however, section 101(b)(1) of the Act defines the term "child" as an "unmarried person under twenty-one years of age." Evidence of record reveals that the applicant (who was born on July 14, 1982) was 21 years old on July 17, 2003. Although the applicant was considered a "child" during the registration period, the applicant turned 21 years old on July 17, 2003. Also, at the time the applicant filed her TPS application, on August 29, 2005, the applicant was 23 years old, and therefore, cannot be considered a "child" for immigration purposes. The TPS application was filed on August 29, 2005, more than 60 days after the applicant was eligible to file a late initial application for TPS. In order to be eligible for

late TPS registration, as a child of a TPS registrant, the applicant should have submitted her TPS application, no later than 60 days immediately following her 21st birthday, July 17, 2003, pursuant to the regulations 8 C.F.R. § 244.2(f)(2) and 8 C.F.R. § 244.2(g).

With the appeal, in an attempt to establish her eligibility for TPS, including her eligibility to file a late initial registration for TPS, the applicant submits a copy: 1) the same EAD card for her mother, showing validity from June 17, 2005 and expiring July 5, 2005; 2) a TPS approval notice for her mother, showing TPS validity from April 12, 2003 through September 9, 2003; 3) a CIS receipt notice, dated July 14, 2006, for a Form I-821 for her mother; 4) a CIS receipt notice, dated July 14, 2006, for a Form I-765 for her mother; 5) a page family registry (in Spanish), with an English translation; 6) 11 monthly invoices for Reliant Energy, for services billed in the years 2003, and 2004; 7) an Empire Dental center invoice, dated November 11, 2004; 8) an untranslated receipt in Spanish, issued in January 2003; and 9) 7 money transfer receipts from Aracely Express Corp., 4 issued in 2006, and 3 issued in 2005.

This evidence, however, does not establish the applicant's continuous residence and her continuous physical presence. The applicant has submitted questionable documents. In an attempt to establish her continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001 the applicant submitted copies of 5 monthly invoices for Reliant Energy, for services billed between January 16, 2001 and September 16, 2001. However, a review of her parent's file reveals copies of 5 Entrega Inmediata money transfer receipts, dated January 25, 2001, October 29, 2001, November 19, 2001, April 18, 2002, and June 13, 2003, that lists the applicant, [REDACTED], as the recipient, in San Miguel, El Salvador; and an Aracely Express Corporation money transfer receipt, dated February 13, 2003, also listing the applicant, [REDACTED], as the recipient, in San Miguel, El Salvador. In addition, her parent's initial TPS application, Form I-821, filed on May 21, 2001, and approved on April 11, 2003, shows that on Part 3, the applicant is listed as residing in El Salvador. 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 evidence of record puts into question the applicant's claimed entry. 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 her continuous residence and continuous physical presence in the United States during the requisite period. Consequently, the director's decision that the applicant has not established continuous residence and continuous physical presence in the United States during the requisite period is affirmed.

Furthermore, as discussed above, the applicant has not 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. Also, 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).

Therefore, the applicant is not eligible for late initial registration for TPS. Consequently, the director's decision to deny the application for that reason for temporary protected status 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 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.