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FILE: [REDACTED] OFFICE: California Service Center DATE: MAR 22 2007  
[WAC 05 243 73560]

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, California Service Center. It is now on appeal before the Administrative Appeals Office (AAO). 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 director denied the application on the ground that the applicant failed to establish that he is eligible for late registration.

On appeal the applicant requests that his case be reviewed.

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 of a 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 Temporary Protected Status 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.

El Salvadoran nationals applying for TPS 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 El Salvadorans was from March 9, 2001, through September 9, 2002. The record reveals that the applicant filed his initial TPS application with Citizenship and Immigration Services (CIS) on May 31, 2005.

To qualify for late registration, the applicant must provide evidence that during the initial registration period he satisfied at least one of the criteria enumerated in 8 C.F.R. § 244.2(f)(2) above.

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. *See* 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. *See* 8 C.F.R. § 244.9(b).

On May 18, 2006, the applicant was requested to submit evidence establishing his eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2), as well as documentary evidence of his date of entry into the United States, his nationality and identity, his continuous residence in the United States since February 13, 2001, and his continuous physical presence in the United States since March 9, 2001. In response the applicant, who claims to have entered the United States without inspection on January 15, 2000, submitted a photocopy of his El Salvadoran passport with photo identification and a series of letters from acquaintances who state that the applicant has worked for or resided with them in the years since his arrival in the United States.

In a Notice of Decision issued on April 13, 2006, the director determined that the evidence submitted by the applicant failed to establish his eligibility for TPS. In particular, the director found that the applicant failed to submit evidence of his eligibility for late registration.

The applicant filed a timely appeal, but did not submit any additional documentation in support of his application. The record still contains no evidence to show that the applicant is eligible for late registration under any of the criteria enumerated at 8 C.F.R. § 244.2(f)(2). Accordingly, the director's decision denying the application on this ground will be affirmed.

Beyond the decision of the director, the AAO determines that the evidence of record is insufficient to show that the applicant has been continuously physically present in the United States since March 9, 2001, and continuously resident in the United States since February 13, 2001, as required for TPS applicants from El Salvador under 8 C.F.R. § 244.2(b) and (c). The previously submitted materials include three letters from acquaintances of the applicant who claim to have employed him at some point during the years 2000-2006. One states that the applicant worked with him for five months in 2001 distributing a newspaper; the second states that the applicant worked for his painting and cleaning company from 2000 to 2003; the third states that the applicant worked for his drywall and painting company from August 2004 to 2006. None of the three letters meets the evidentiary standard of 8 C.F.R. § 244.9(a)(2)(i) because they are not in affidavit form and do not provide the applicant's address(es) at the time of employment and the exact periods of employment and layoff, as required by 8 C.F.R. § 244.9(a)(2)(i)(A), (B), and (C). Furthermore, none of the letters describes the applicant's employment duties in detail, as required by 8 C.F.R. § 244.9(a)(2)(i)(D). One other letter was submitted by an individual who claims that the applicant resided with her in 2000. The letter provides no information about the applicant's status since 2000, however, such as where he has been living, where he has been working, and whether he has maintained any contact with the acquaintance since 2000. The applicant has not submitted any of the other types of documentation enumerated in 8 C.F.R. § 244.9(a)(2) to demonstrate his continuous residence and physical presence in the United States since early 2001. As the record fails to establish that the applicant meets the continuous residence and continuous physical presence requirements for TPS applicants from El Salvador, the application must be denied on these grounds as well.

If the applicant has lived in the United States since January 2000, as he claims, it is reasonable to expect that he would have more contemporaneous documentation. Letters from acquaintances are not, by themselves, persuasive evidence of residence or physical presence in the United States. Simply going on record without supporting documentation does not satisfy the applicant's burden of proof. *See Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)).

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 that burden.

**ORDER:** The appeal is dismissed.