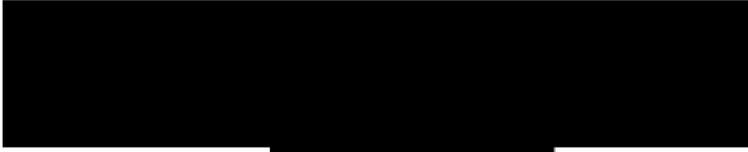




U.S. Citizenship
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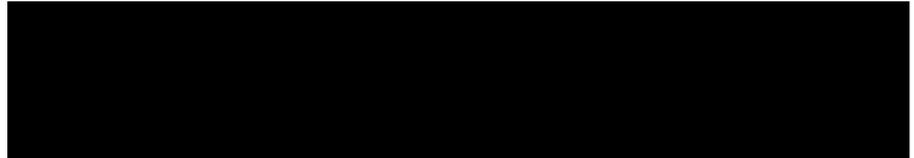
Office: California Service Center

Date: **MAR 26 2007**

[WAC 05 102 70645]

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.


for Robert P. Wiemann, Director
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 an initial TPS application on July 6, 1999, under CIS receipt number SRC 99 217 50227. The director, Texas Service Center, denied that application on December 10, 2003, because the applicant failed to establish his continuous residence in the United States since December 30, 1998, and his continuous physical presence since January 5, 1999. The director noted that the record reflects that the applicant entered the United States in March 1999, and therefore, the applicant cannot meet the continuous residence and continuous physical presence requirements for TPS. The record reflects that on January 29, 2004, the applicant filed a subsequent appeal to the Administrative Appeals Office (AAO), which was rejected as untimely by the AAO director, on April 20, 2005.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on January 10, 2005, and indicated that he was re-registering for TPS. The director denied that application on July 23, 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 an opportunity to live and work freely in this county. With the appeal, in an attempt to establish eligibility for TPS, the applicant submits: 3 Ficohsa Express money transfer receipts, dated in 2005; two Easy Pay Earnings Statements, dated August 4, 2005, and September 9, 2004; a receipt from Central Auto Tag Agency, dated March 1, 2005; a receipt from Jackson Health System, dated June 11, 2004; a 2004 W-2, Wage and Tax Statement; a 2003 Income Tax return, Form 1040EZ; a Banco Ficohsa letter, in Spanish, dated February 25, 2003; a Ficohsa Express receipt, dated June 2, 2003; a Verizon Wireless account summary, dated February 21, 2002; two Tele-Giros America, Inc., money transfer receipts, dated November 2001, and December 2001, respectively; an insurance notification, dated March 9, 2001; an unclear Warranty Disclaimer, signed July 6, 2001; an auto insurance policy summary page, issued February 16, 2001; a Notice in Removal Proceedings, dated June 5, 2000; 2 Telecall Express Inc., money transfer receipts, dated June 9, 2000, and July 10, 2000; an unclear money transfer document, dated February 9, 2000; three receipts, issued in the year 2000; and, a West Flagler Tag Agency receipt with an unclear date. It is noted that none of the evidence establishes the applicant's continuous residence and continuous physical presence in the United States.

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.

The applicant has not submitted sufficient evidence to establish his continuous residence and continuous physical presence in the United States during the requisite period. It is noted that the applicant stated in his initial Form I-821, Application for Temporary Protected Status, and on his initial Form I-765, Application for Employment

Authorization, that he did not enter the United States until March 4, 1999, while the applicant stated on a subsequent application that he entered the United States on December 11, 1998. As noted by the Texas Service Center Director, the record establishes that the applicant entered the United States in March 1999 subsequent to the eligibility period. 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. 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.

It is also noted that the record reveals that the applicant was apprehended on entry on March 4, 2004, placed in Removal Proceedings, and ordered removed to Honduras, on February 2, 2001, by the Immigration Judge.

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.