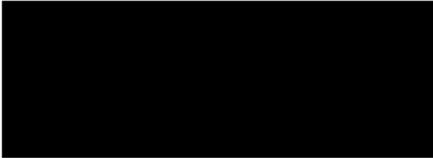


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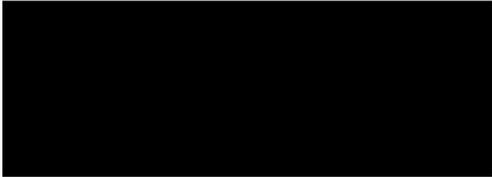
Applicant:



APPLICATION:

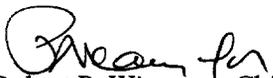
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:



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 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 director denied the application on the grounds that the applicant failed to establish (1) that he had continuously resided in the United States since February 13, 2001 and been physically present in the country since March 9, 2001, and (2) that he registered for TPS during the initial registration period or is eligible for late registration and filed a timely late registration application for TPS.

On appeal the applicant submits additional documentation pertinent to his residence and physical presence in the United States since 2001.

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 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.

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. The initial registration period for El Salvadorans was from March 9, 2001 through September 9, 2002. The record shows that the applicant filed his initial Form I-821, Application for Temporary Protected Status, on March 1, 2005.

To qualify for late registration, the applicant must provide evidence that during the initial registration period he met at least one of the qualifying conditions described 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 Citizenship and Immigration Services (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 February 5, 2006, the service center requested the to submit evidence within 33 days that he met the requirements for late registration, as well as evidence of his date of entry into the United States, his nationality/identity, and his continuous residence and physical presence in the United States from the dates applicable for TPS applicants from El Salvador.

On July 20, 2006, the director issued a Notice of Decision stating that the applicant had not responded to the notice of February 5, 2006, and therefore failed to establish his eligibility for TPS. The director denied the

application on the grounds that the applicant had not established (1) that he had continuously resided in the United States since February 13, 2001 and been physically present in the country since March 9, 2001, and (2) that he registered for TPS during the initial registration period for El Salvadoran nationals or is eligible for late registration and filed an application for TPS within 60 days of the end of the qualifying condition described in 8 C.F.R. § 244.2(f)(2).

On appeal, counsel asserts that there was sufficient evidence in the record of the applicant's continuous residence in the United States since February 13, 2001, and submits some receipts from a wholesale supply company with dates from the years 2001 to 2003 "to prove the [the applicant] has live in the USA since the date in question."

Upon review of the record the AAO determines that the applicant qualifies for late TPS registration and filed a timely late registration application. The record includes a Form I-589 (Request for Asylum in the United States) which the applicant filed on July 24, 1990. CIS records indicate that the request is still pending. Thus, the applicant's TPS application meets the requirements for late registration set forth in 8 C.F.R. § 244.2(f)(2)(i) and (g).

However, the documentation of record still does not establish that the applicant meets the TPS requirements applicable to El Salvadoran nationals of continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since March 9, 2001. The only evidence of U.S. residence and presence previously submitted by the applicant was a photocopy of a personal identification card issued to him by the State of Florida on October 8, 2004. On appeal the applicant submits six receipts from White & Shauger, Inc., a wholesale supplies company located in Paterson, New Jersey – with handwritten dates spanning the time period June 15, 2001 to November 17, 2003 – which identify the applicant as the recipient of various shipped merchandise, including three water heaters, one gas boiler, and two 115-volt compressors. The receipts lack authenticating indicia of their actual dates. There is no date stamp on the receipts, for example, and though they all bear a "Paid" stamp, the space for the insertion of a date is blank in every case. The first three receipts – with handwritten dates of June 15, 2001, September 17, 2001, and March 21, 2002 – contain no address for the applicant. The last three receipts – with handwritten dates of July 15, 2002, August 1, 2003, and November 17, 2003 – identify the applicant's address as [REDACTED]. The record indicates, however, that the applicant did not move to that address until after the filing of his TPS application on March 1, 2005. The only document in the record showing the above address is the Form G-28, dated May 25, 2006, which the applicant's attorney submitted with the appeal. The address given on the applicant's TPS application in March 2005 was [REDACTED]. That is also the address on the applicant's Florida personal identification card, issued in October 2004. There is no other evidence in the record that the applicant lived in New Jersey in the years 2001 to 2003.

It is incumbent upon an applicant to resolve any inconsistencies in the record by independent objective evidence. Attempts to explain or reconcile such inconsistencies will not suffice without competent evidence pointing to where the truth lies. *See Matter of Ho*, 19 I&N Dec. 582, 591-92, (BIA 1988). No such competent evidence has been submitted by the applicant to establish that he resided at the New Jersey address appearing on the White & Shauger, Inc. receipts during the years 2001-2003. Moreover, doubt cast on any aspect of the applicant's evidence reflects on the reliability of the petitioner's remaining evidence. *See id.*

The AAO determines that the applicant has failed to establish that he was continuously physically present in the United States from March 9, 2001, and continuously resident in the United States from February 13, 2001, as required for TPS applicants from El Salvador under 8 C.F.R. § 244.2(b) and (c). Accordingly, the director's denial of the application will be affirmed on those grounds.

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.