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**U.S. Citizenship  
and Immigration  
Services**

*MI*

FILE:

[REDACTED]  
[EAC 05 214 78865]

OFFICE: Vermont Service Center

DATE: **MAY 02 2007**

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.

A handwritten signature in cursive script, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Vermont 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 applying for 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 her eligibility for late TPS registration, as well as her continuous residence and continuous physical presence in the United States from the requisite dates for TPS applicants from El Salvador.

On appeal the applicant submits some documentation relating to her residence and physical presence in the United States and requests that her 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.

El Salvadoran nationals applying for TPS must demonstrate that they have continuously resided in the United States since February 13, 2001, and that they have been continuously physically present 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 did not file her initial TPS application with the Vermont Service Center until May 2, 2005 – more than two and a half years after the expiration of the initial registration period.

To qualify for late registration, the applicant must provide evidence that during the initial registration period she 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 June 2, 2006, the director sent the applicant a notice of intent to deny (NOID), requesting the submission of evidence within 30 days that she was eligible for late registration, and that she was continuously resident and physically present in the United States from the dates applicable for TPS applicants from El Salvador. The applicant did not respond to the NOID.

By decision dated July 28, 2006, the director determined that the applicant had failed to establish that she was eligible for late TPS registration, that she had been continuously physically present in the United States from March 9, 2001 until the date her application was filed, and that she had continuously resided in the United States since February 13, 2001, as required for TPS applicants from El Salvador. Accordingly, the application was denied.

On appeal, the applicant submits three letters from acquaintances in the United States who claim to have known the applicant since 2000 or 2001, a photocopied envelope with a date stamp of November 27, 2000, purportedly sent to the applicant at a Massachusetts address, and photocopies of the applicant's birth certificate and national identity document from El Salvador. No documentation has been submitted to show that the applicant meets any eligibility criteria for late TPS registration.

Based on the evidence of record, the AAO concurs with the director's finding that the applicant has failed to establish that she is eligible for late TPS registration under one of the qualifying criteria enumerated at 8 C.F.R. § 244.2(f)(2). The director's denial of the application on this ground will therefore be affirmed.

The AAO also determines that the documentation submitted on appeal and earlier in this proceeding does not establish – in conformance with the evidentiary requirements set forth in 8 C.F.R. § 244.9(a)(2) – that the applicant has been continuously physically present in the United States since March 9, 2001, and has continuously resided 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). Therefore, the director's denial of the application on those grounds will also 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 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.