



U.S. Citizenship
and Immigration
Services

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FILE:

[WAC 05 110 70424]

OFFICE: California Service Center

DATE:

MAY 25 2007

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 director denied the application because the applicant failed to establish that he is a national of a foreign state designated by the Attorney General and eligible for the granting of Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2(a), provide that an applicant is eligible for TPS only if such alien establishes that he or she:

Is a national of a foreign state designated under section 244(b) of the Act;....

The applicant indicated on his application that he was a citizen of Honduras. In support of his application, the applicant submitted a birth certificate and translation. The director concluded that the applicant had failed to establish that he was a national of a foreign state designated by the Attorney General and denied the application on July 18, 2006.

Acceptable evidence of nationality may include a birth certificate if accompanied by a photo ID, or any national identity document from the alien's country of origin bearing a photo and/or fingerprint. 8 C.F.R. § 244.9(a)(1). In this case the applicant has submitted a birth certificate, but no photo ID or any other national identity document bearing a photograph.

On appeal the applicant simply states "Please see attached documentation," but he failed to attach any documentation, and has failed to specifically identify an error of conclusion or law by the director. Thus, the applicant has failed to establish that he is a national of a foreign state designated under section 244(b) of the Act.

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 this burden.

ORDER: The appeal is dismissed.