



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
[EAC 07 011 84885]

Office: VERMONT SERVICE CENTER

Date: OCT 01 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 Vermont Service Center. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont 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 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 because the applicant failed to establish he was eligible for late initial registration and that he had failed to provide disposition documents relating to his arrests in the United States. The director also found that the applicant had not established that he had continuously resided in the United States since December 30, 1998 and that he had been continuously physically present in this country since January 5, 1999.

The applicant states that he needs additional time to obtain his court dispositions and indicates that they will be forwarded for the record when they are obtained. He provides additional documentation in support of his continuous residence and continuous physical presence claim.

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 temporary protected status only if such alien establishes that he or she:

- (a) Is a national, as defined in section 101(a)(21) of the Act, of a foreign 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 TPS 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.

Persons applying for TPS offered to Hondurans must demonstrate that they have continuously resided in the United States since December 30, 1998, and that they have been continuously physically present since January 5, 1999. The initial registration period for Hondurans was from January 5, 1999, through August 20, 1999. The record shows that the applicant filed his application with Citizenship and Immigration Services on October 12, 2006.

To qualify for late registration, an applicant must provide evidence that during the initial registration period, he or she fell within at least one of the provisions described in 8 C.F.R. § 244.2(f)(2) above.

On January 23, 2007, the applicant was requested to submit evidence establishing his eligibility for late registration as set forth in the regulations at 8 C.F.R. § 244.2(f)(2). The applicant was also requested to submit evidence establishing his continuous residence and continuous physical presence in the United States and the court dispositions for his arrests in the United States. The applicant did not respond.

On appeal, the applicant submitted evidence in an attempt to establish his continuous residence and continuous physical presence in the United States. However, this evidence does not mitigate the applicant's failure to file his Application for Temporary Protected Status within the initial registration period. The applicant has not submitted any evidence to establish that he has met any of the criteria for late registration described in the regulations at 8 C.F.R. § 244.2(f)(2). Consequently, the director's decision to deny the application for TPS is affirmed.

The record contains a copy of the applicant's Republic of Honduras passport. The passport was issued to him in Honduras on December 23, 2004. Therefore, he could not have been in continuous residence in the United States since December 30, 1998. In addition, the remainder of the evidence provided does not establish that the applicant was living in this country for an extended period of time in any year up to the present. After review of the record, it is determined that the applicant has not provided sufficient evidence establishing his continuous residence and continuous physical presence during the required time period. 8 C.F.R. §§ 244.2 (b) and (c). Therefore, the director's denial is affirmed for these additional reasons.

The applicant's Federal Bureau of Investigation fingerprint results report shows that on February 22, 2003, he was arrested for (1) misdemeanor larceny; on February 22, 2003, he was arrested for (2) obtaining property under false pretenses, a felony; and (3) writing a worthless check, a misdemeanor; while on November 9, 2003, he was

arrested for (4) driving while his license was revoked, a misdemeanor. However, the final court dispositions of these arrests are not included in the record of proceeding. 8 C.F.R. § 244.9(a). The director's decision to deny the application is affirmed for this additional reason.

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 cited 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.