



U.S. Citizenship  
and Immigration  
Services

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[REDACTED]

FILE:

[REDACTED]

Office: San Francisco District Office

Date: SEP 04 2007

[WAC 03 264 52536]

IN RE:

Applicant:

[REDACTED]

APPLICATION:

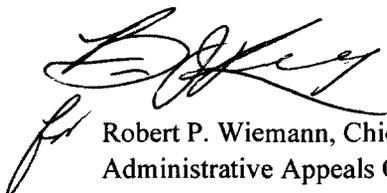
Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:

[REDACTED]

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, San Francisco District Office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is stated to be a 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 a late initial TPS application on September 11, 2003, under CIS receipt number WAC 03 264 52536. The director denied the application on January 31, 2005, because the applicant failed to establish his nationality as a Honduran. Section 244(a)(1).

On appeal, counsel reasserts the applicant's eligibility for TPS as a Honduran national. With the appeal, counsel submits a photocopy of a Honduran passport issued to the applicant on June 12, 2003.

However, as determined by the director, the applicant has failed to establish his nationality. As noted by the director, the record reveals that:

1. On October 7, 2007, the applicant gave a sworn statement to Diplomatic Service agents wherein he claimed to be born in Tijuana, Mexico;
2. On an application for a United States passport, the applicant stated that both of his parents were born in Mexico; and,
3. On October 8, 2002, the applicant stated to a Special Agent of the Immigration and Naturalization Service that he was born in Tijuana, Mexico, and his parents are Mexican citizens.

Contrary to the applicant's statements that he was a Mexican citizen, he now claims that he is Honduran. The discrepancies in the applicant's claimed citizenships and nationalities put into question whether the applicant is a Honduran citizen. 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 his claimed citizenship and nationality in the record, and his supporting documentation. These discrepancies also call into question the applicant's identity. The applicant has failed to establish his nationality and his identity. Consequently, the director's decision to deny the application for temporary protected status will be affirmed.

It is noted that the applicant was placed in proceedings and was ordered removed, *in absentia*, to Honduras on August 4, 1999, by an 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.