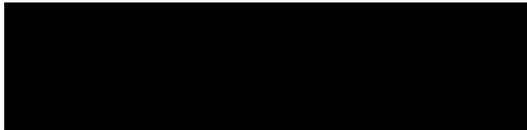




U.S. Citizenship
and Immigration
Services

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invasion of personal privacy**



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FILE: [REDACTED] OFFICE: VERMONT SERVICE CENTER DATE: **SEP 05 2007**
[EAC 06 348 85303]

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

The applicant claims to be a native and 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 because the applicant failed to establish he was eligible for late registration. The director also found that the applicant did not establish his continuous residence in the United States since February 13, 2001, and his continuous physical presence in the United States since March 9, 2001

On appeal, the applicant submits additional documentation.

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.

Persons applying for TPS offered to El Salvadorans must demonstrate continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001. The initial registration period for Salvadorans was from March 9, 2001, through September 9, 2002. The record reveals that the applicant filed the current application with Citizenship and Immigration Services (CIS) on September 13, 2006.

To qualify for late registration, the applicant must provide evidence that during the initial registration period he fell within at least one of the provisions 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 CIS. 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. 8 C.F.R. § 244.9(b).

The director determined that the applicant had failed to establish he was eligible for late registration and denied the application on March 16, 2007. On appeal, the applicant submits photocopies of the following documents:

1. A cellular invoice dated June 28, 2004, from Servicios Latinos LLC.
2. A fee agreement between the applicant and the Law Offices of [REDACTED] dated July 22, 2004.
3. Invoices from [REDACTED] Law Office dated August 17, 2004, November 17, 2004, and November 18, 2004.
4. A declaration from Dr. [REDACTED] dated July 5, 2002, with an English translation, stating that the applicant's mother testifies that he is a Salvadoran by birth.
5. An El Salvadoran National identity Card ("cedula") of the applicant's mother.
6. A letter from [REDACTED] who claims to be the applicant's uncle.
7. A Washington State Driver's License issued to [REDACTED].
8. A declaration from [REDACTED], the applicant's parents-in-law.
9. A Washington State Driver's Licenses issued to [REDACTED].
10. A marriage certificate issued to the applicant and his wife, dated May 8, 2000.
11. Monthly statements from the Internal Revenue Service (IRS) addressed to the applicant and his wife, dated July 16, 2003, August 18, 2004 and April 20, 2005.
12. Various medical and dental records of the applicant dated April 11, 2006, October 2, 2001, January 23, 2004, October 6, 2004, November 10, 2004, December 27, 2004, and January 17, 2005.
13. Various utility bills dated June 3, 2005, and August 17, 2005.
14. A rent payment receipt dated June 19, 2003.
15. Water bills dated February 27, 2004, and August 4, 2004.
16. Telephone bills from Sprint dated April 11, 2005 and October 11, 2005.
17. An automobile insurance policy dated December 4, 2006.

18. Apartment rental/lease agreements dated March 30, 2002, March 4, 2003, February 27, 2004, November 23, 2005, and April 27, 2006.

The applicant however, failed to submit any evidence that he meets the requirements for late registration as enumerated in 8 C.F.R. § 244.2(f)(2).

The applicant has submitted evidence in an attempt to establish his qualifying residence and physical presence in the United States. However, this evidence does not establish that he met those requirements because all the relevant documents submitted in evidence are dated after the requisite periods specified in the regulations.

Furthermore, the applicant has not submitted any evidence to establish that he has met any of the criteria for late registration described in 8 C.F.R. § 244.2(f)(2). Consequently, the director's decision to deny the application for TPS will be affirmed.

It is noted that the record contains a Form I-205, Warrant of Removal and Deportation, issued on February 21, 1997, in Seattle, Washington, based on a final order of removal issued by an Immigration Judge on April 1, 1996.

Beyond the decision of the director, the record also reveals that the applicant filed a first TPS application with the Nebraska Service Center (NSC) on October 22, 2001, under receipt number LIN 02 022 52618. The NSC director denied that application on February 20, 2002, because the applicant failed to establish that he is a national of El Salvador. On March 14, 2002, the applicant filed an appeal with the AAO from the denial decision. The Director of the AAO, summarily dismissed the appeal on October 30, 2002, because the applicant had failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal and failed to submit any additional evidence as he indicated on his appeal. Therefore, the application also must be denied for this 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 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.