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U.S. Citizenship  
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FILE:



Office: VERMONT SERVICE CENTER

Date: SEP 25 2007

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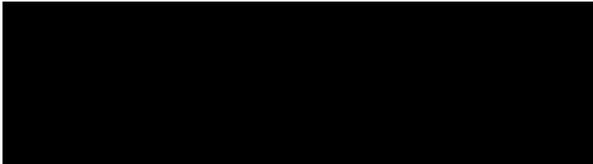
IN RE:

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:



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, 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 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 his eligibility for TPS late registration. The director also denied the application because the applicant failed to establish his qualifying continuous residence and continuous physical presence in the United States. In addition, the applicant failed to provide an identity document.

On appeal, counsel asserts the applicant's eligibility for TPS and submits evidence in support of this 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 TPS 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.

The initial registration period for Salvadorans was from March 9, 2001, through September 9, 2002. The record reveals that the applicant filed his application with Citizenship and Immigration Services (CIS) on March 29, 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).

On May 10, 2006, the director requested the applicant to submit evidence to establish his eligibility for TPS late registration. The director also requested the applicant to submit evidence to establish his qualifying continuous residence and continuous physical presence in the United States. In addition, the applicant was requested to submit evidence to establish that he is a national of El Salvador along with an identity document.

In response, counsel submitted copies of the following documentation: the applicant's El Salvadoran birth certificate with an English translation; the applicant's Employment Authorization Documents (EADs); a rental agreement dated January 1, 1996; the applicant's Employment Authorization applications and Notices from CIS; the applicant's Internal Revenue Service (IRS) 2004 U.S Individual Income Tax forms and IRS Forms W-2, Wage and Tax Statements; and, a Notice of Decision denying the applicant's employment authorization since his asylum application was denied on September 16, 2005.

The director denied the application because the applicant had failed to establish his eligibility for TPS late registration. The director also denied the application because the applicant failed to establish his qualifying continuous residence and continuous physical presence in the United States. In addition, the director denied the application because the applicant failed to provide an acceptable identity document. Further, the director noted in his decision that the applicant was not eligible pursuant to C.F.R. § 244.2(f)(2)(ii) because his asylum application was denied on September 16, 2005.

On appeal, counsel asserts that the applicant is eligible for TPS late registration because his asylum application was reopened by the Los Angeles Asylum Office. Counsel also provides copies of the following documentation

in support of the applicant's eligibility for TPS: receipts dated January 26, 1997, February 11, 1997, October 11, 1997, September 11, 1999, November 1, 2001, and June 1, 2002; a customer statement dated September 15, 2001, from FAMSA, Incorporated; several Pacific Bell billing statements dated August 7, 1998 to March 7, 2002; several billing statement from Media One dated from January 21, 1999 to August 21, 2000; several billing statements from AT&T Broadband dated November 21, 2000 to January 12, 2002; and the applicant's El Salvadoran personal identification card (Cedula).

The first issue in these proceedings is whether the applicant has provided proper identity documents. On appeal, counsel provides copies of the applicant's El Salvadoran personal identification card which satisfies this requirement for identity. Therefore, the director's decision to deny the application on this ground will be withdrawn.

The second issue in these proceedings is whether the applicant has established his qualifying continuous residence and continuous physical presence in the United States. Counsel, on appeal, provides sufficient evidence to establish the applicant's qualifying continuous residence and continuous physical presence in the United States. Therefore, the director's decision to deny the application on these grounds will also be withdrawn.

The third issue in these proceedings is whether the applicant is eligible for late registration.

A review of the record of proceedings reflects that the applicant's asylum application was denied on September 16, 2005. The regulations require that a late registration be filed within a 60-day period immediately following the expiration or termination of conditions described in paragraph (f)(2) of this section. 8 C.F.R. § 244.2(g). In this case, the application for TPS was filed on March 29, 2006, more than 60 days after his asylum application was denied. The applicant has failed 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 conclusion that the applicant had failed to establish his eligibility for TPS late registration will be affirmed.

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.