

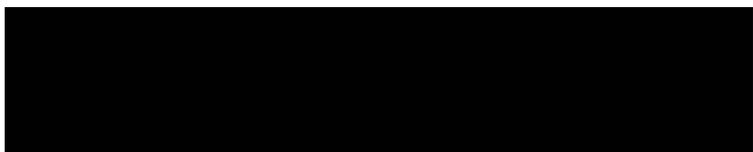
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
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U. S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
[EAC 06 363 74538]

OFFICE: Vermont Service Center DATE: APR 02 2008

INRE: 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 "R. Wiemann".

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 stated to be a 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 she was eligible for late registration.

On appeal, the applicant states she has been in the United States for almost 18 years and all of her children were born in this country. She further states that she deserves to have work authorization to continue in this country.

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 EI 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 her initial application with Citizenship and Immigration Services (CIS) on August 31, 2006.

To qualify for late registration, the applicant must provide evidence that during the initial registration period she 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 January 16, 2007, the applicant was requested to submit evidence establishing her eligibility for late registration as set forth in 8 C.F.R. § 244.2(f)(2). The applicant was also requested to submit evidence establishing her continuous residence and her continuous physical presence during the requisite periods to the date of filing her TPS application. In addition, the applicant was requested to submit court documents for an arrest on November 11, 1993 and an arrest on November 30, 1993. The applicant, in response, provided the requested court documents and additional evidence to establish her continuous residence and continuous physical presence in the United States.

The director determined that the applicant had failed to establish she was eligible for late registration and denied the application on February 26, 2007.

On appeal, the applicant states that she qualifies for late registration because she had previously applied for TPS. She submits copies of Employment Authorization documents issued under a previous TPS designation. The applicant further states that she registered late because she lacked information on how to do so and she was afraid she would be deported if she did submit an application.

The applicant submits copies of her EAD cards; copies of Form 1-765, Application for Employment Authorization; a copy of a Form 1-104, Alien Address Report Card; a copy of a doctor's note from Clinic Popular; a copy of a Student Registration Form; a copy of a TPS Extension Adjudicator Check List; a copy of an Adjudicator's Checklist TPS Program; a copy of a fingerprint card; and, a copy of a Registration Form from American Baptist Churches. However, the evidence submitted does not mitigate the applicant's failure to file her Form 1-821, Application for Temporary Protected Status, within the initial registration period. The applicant

submits copies of employment authorization cards dated in 1991 and 1992. El Salvador was previously designated for TPS from 1991 to 1992; however, that designation expired in 1992. That earlier TPS program is unrelated to the current TPS designation for El Salvador which began on March 9, 2001. The applicant has not submitted any evidence to establish that she 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.

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.