



**U.S. Citizenship
and Immigration
Services**

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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: APR 16"2008
[EAC 08 040 51172, appeal]
[EAC 07 221 70091]

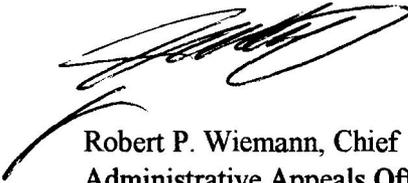
INRE: Applicant: [REDACTED]

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, 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 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.

On appeal, the applicant states:

I am sending this appeal because I feel the Service has made a mistake in denying my case. I am a native of El Salvador and have proven to have been physically present in the United States since December, 2000. I have complied with all the required documentation requested by the Service, please review my case and make a fair decision.

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 IPS 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 phrase *continuously physically present*, as defined in 8 C.F.R. § 244.1, means actual physical presence in the United States for the entire period specified in the regulations. An alien shall not be considered to have failed to maintain continuous physical presence in the United States by virtue of brief, casual, and innocent absences as defined within this section.

The phrase *continuously resided*, as defined in 8 C.F.R. § 244.1, means residing in the United States for the entire period specified in the regulations. An alien shall not be considered to have failed to maintain continuous residence in the United States by reason of a brief, casual and innocent absence as defined within this section or due merely to a brief temporary trip abroad required by emergency or extenuating circumstances outside the control of the alien.

Persons applying for IPS offered to El Salvadorans must demonstrate continuous residence in the United States since February 13, 2001, and continuous physical presence in the United States since March 9, 2001. The initial registration period for El Salvadorans was from March 9, 2001, through September 9, 2002. The record shows that the applicant filed his application with Citizenship and Immigration Services on May 9, 2007.

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 July 18, 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. The applicant, in response, provided documentation relating to his residence and physical presence in this country. However, he did not submit any evidence to establish that he was eligible for late initial registration.

On appeal, the applicant submits no 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 IPS is affirmed.

A list of the evidence submitted by the applicant to show that he satisfies continuous residence and continuous requirements is shown below:

1. Copies of the applicant's saving account deposits to Banco Sal Inc. in Houston, Texas, dated January 19, 2001 and March 22, 2001.
2. A copy of the applicant's monthly invoice from Cellular Connection in Texas, for his cell phone dated May 14, 2001.
3. Copies of the applicant's invoices from Cartronix in Sugarland, Texas, dated February 6, 2002, April 12, 2002, August 18, 2002 and October 16, 2002.
4. A copy of the applicant's Fiesta Cell Phone agreement in Texas, beginning June 16, 2003.
4. A copy of the applicant's Texas Liability Insurance Card effective September 12, 2004.
3. A copy of a Western Union money transfer showing the applicant sent funds to a person in El Salvador on August 13, 2005.
4. A copy of a Barri Remittance Corporation money transfer showing the applicant sent funds to a person in El Salvador on October 31, 2005.
5. A copy of a Republic of El Salvador passport issued to the applicant in Houston, Texas, on November 28, 2005.
6. Copies of the applicant's pay stubs showing payments from Deerfield Apartments dated May 4, 2007, June 20, 2007 and July 20, 2007.

It is determined that the applicant has provided convincing evidence to establish his continuous residence and continuous physical presence during the required time periods. 8 C.F.R. § 244.2 (b) and (c). However, the application cannot be approved because it was not filed during the initial registration period and the applicant has not established his eligibility for late registration.

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.