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U.S. Citizenship  
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Services

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FILE: [REDACTED]  
[EAC 07 14370043]

OFFICE: Vermont Service Center DATE: APR 24 2008

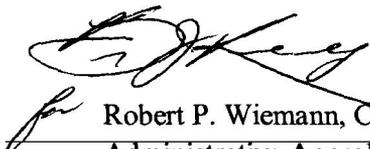
INRE: Applicant: [REDACTED]

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 office that originally decided your case. Any further inquiry must be made to that office.

  
for 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 Honduras 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 record reveals that the applicant filed Form 1-821, Application for Temporary Protected Status on June 27, 2002, under CIS receipt number SRC 02 213 55340. The Director, Texas Service Center, denied the application on November 1, 2002 because the applicant failed to submit evidence establishing her eligibility for late registration. A subsequent appeal of the director's decision was dismissed by the Director, now Chief, of the AAO on April 24, 2003.

The applicant filed the current TPS application on February 19, 2007, under CIS receipt number EAC 07 143 70043, as a new application. The director denied the application on June 29, 2007 because the applicant failed to establish that she was eligible to take advantage of the late registration provision of the TPS regulations.

On appeal, the applicant states that she is qualified to apply for TPS under the late registration regulations because she had previously filed a TPS application in 1999.

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 (t)(2) of this section.

Persons applying for TPS offered to Hondurans must demonstrate that they have continuously resided in the United States since December 30, 1998, and that they have been continuously physically present since January 5, 1999. The initial registration period for Hondurans was from January 5, 1999, through August 20, 1999.

To qualify for late registration, the 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.P.R. § 244.2(t)(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.P.R. § 244.9(b).

On appeal, the applicant reasserts her eligibility for TPS and submits sufficient evidence to establish that she had been residing and has remained continuously physically present in the United States. 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. While the applicant now claims that she previously filed a TPS application in 1999, the record does not support that contention. As stated above, the applicant filed her **first** TPS application on June 27, 2002, which was after the initial registration period for Hondurans from January 5, 1999, through August 20, 1999. The applicant has not submitted any evidence to establish that she has met any of the criteria for late registration described in 8 C.P.R. § 244.2(t)(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.