



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: VERMONT SERVICE CENTER

Date: FEB 01 2008

[EAC 07 084 50635 Appeal]

[EAC 06 192 70182 Application]

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 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 she was eligible for late initial registration.

On appeal, the applicant states that she was formerly the beneficiary of her husband's "NACARA" application until he left her and returned to El Salvador. She further states based upon advice she received at the Boston District Office of Citizenship and Immigration Services (CIS), she filed an application for TPS through an organization in that city. She acknowledges that she did not respond to the director's Notice of Intent to Deny dated October 27, 2006, but argues that her representative should have done so in her behalf. The applicant indicates she has been in the United States for more than ten years and requests that her application be approved.

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 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 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 her application with Citizenship and Immigration Services on April 10, 2006.

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 October 27, 2006, the applicant was requested to submit evidence establishing her eligibility for late registration as set forth in the regulations at 8 C.F.R. § 244.2(f)(2). The applicant did not respond. On appeal, the applicant did not submit any evidence to establish that she was eligible for late initial registration.

The record reflects that on October 19, 1996, the applicant was added as a beneficiary to her husband's Form 1-589, Request for Asylum and for Withholding of Deportation. His Form 1-589 was denied and her application was closed on September 27, 2005, when he failed to appear for his interview. While the applicant's pending 1-589 rendered her eligible for late registration, CIS regulations also require a late registration to be filed within a 60-day period immediately following the expiration or termination of such conditions. 8 C.F.R. § 244.2(g). In this case, since the applicant's 1-589 was closed on September 27, 2005, her 60-day period for late registration expired on November 28, 2005. The applicant filed her application for TPS with the director on April 10, 2006.

The applicant has not submitted any evidence to establish that she 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 TPS is affirmed.

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.