

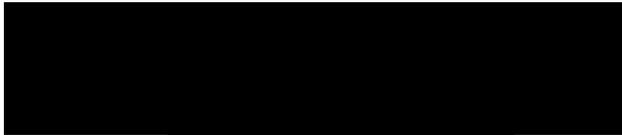
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U.S. Citizenship  
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Services

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FILE: [REDACTED] OFFICE: VERMONT SERVICE CENTER DATE: FEB 21 2008  
[EAC 07 251 72321]

IN RE: 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.

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 claims to be a 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 director denied the application because the applicant failed to establish that she was eligible for late registration.

On appeal, the applicant asserts that she is eligible for TPS because she was in a valid nonimmigrant status during the period of initial registration.

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 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. The record reveals that the applicant filed her application with Citizenship and Immigration Services (CIS) on June 28, 2007.

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 July 31, 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 qualifying residence and physical presence in the United States. The applicant, in response, provided documentation relating to her residence and physical presence in the United States. The applicant also submitted a copy of her visa indicating that she was authorized entry into the United States as an F-1 student, to attend Miami-Dade Community College. The visa was valid from August 5, 1998, to December 30, 2001. The applicant entered pursuant to that visa several times during its period of validity, beginning with her initial entry on August 8, 1998, and a last entrance recorded as January 5, 2001. The applicant also submitted a copy of an October 23, 2002, "degree audit report" from Miami-Dade Community College, indicating that she attended the school in 1998 through 2001.

The director determined that the applicant had failed to establish she was eligible for late registration and denied the application on September 18, 2007.

On appeal, the applicant states that during the period of initial registration, she was in a valid nonimmigrant status as a student at Miami-Dade Community College, and she has remained continuously in Miami since that time. The applicant submits a copy of a Form I-20 A-B/I20ID, Application of Eligibility for

Nonimmigrant (F-1) Student Status – For Academic and Language Students, indicating that she was expected to complete her course of study on December 30, 2001.

The applicant asserts that she is eligible for TPS because she was in a valid nonimmigrant status during the initial registration period. However, the applicant did not register for TPS during the initial registration period from January 5, 1999, through August 20, 1999. The record reflects that the applicant's F-1, student, visa was valid until December 30, 2001. The applicant submitted no documentation to establish that she was in a valid nonimmigrant status from 2002 to 2007. The applicant failed to submit an application within the 60 days immediately following the December 30, 2001, expiration of her F-1 visa.

The applicant asserts that she is eligible for late registration "under late registration granted from the period of May 29, 2007 to July 30, 2007." However, while the *designation* of TPS for Hondurans has been extended several times, with the latest extension valid until January 5, 2009, no new initial registration period has been established. To qualify for TPS, the applicant must either have registered during the initial registration period from January 5, 1999, through August 20, 1999, or file an application within 60 days immediately following the termination of any event listed in 8 C.F.R. § 244.2(f)(2).

The applicant submitted evidence in an attempt to establish her qualifying residence and physical presence in the United States. However, this evidence does not mitigate the applicant's failure to file her Form I-821, Application for Temporary Protected Status, within 60 days of the termination of her non-immigrant status. 8 C.F.R. § 244.2(g). The applicant has not submitted any evidence to establish that she has met any of the other 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.