



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
[EAC 06 357 85682]

Office: VERMONT SERVICE CENTER

Date: JAN 03 2008

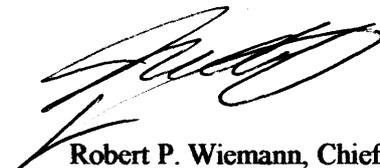
IN RE: Applicant: [REDACTED]

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 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 claims to be 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. The director also found the applicant failed to establish he had continuously resided in the United States since February 13, 2001, that he had been continuously physically present in the United States since March 9, 2001, and that he is a national of El Salvador.

On appeal, the applicant states that he came to the United States on January 18, 2001, and that if he had known, he would have filed his application earlier. He submits additional documentation to establish continuous residence and continuous physical presence during the required period and requests that his 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 his application with Citizenship and Immigration Services on September 22, 2006.

The record contains the following documentation submitted by the applicant to establish his continuous residence and continuous physical presence during the required periods:

1. A copy of a letter from Colortyme Rent To Own in Irving, Texas, showing the applicant opened an account on January 24, 2001, and that he has been a customer at its Grand Prairie location "on and off" from 2001-2003.
2. A copy of his service agreement from T-Mobile showing that he activated a cell phone with that company on March 1, 2001, in Dallas, Texas.
3. An undated letter called an affidavit of fact from [REDACTED] in Texas who states that the applicant is his co-worker and good friend and that [REDACTED] came to the United States in January 2001.
4. An affidavit from [REDACTED] in Texas, dated June 1, 2007, who states that the applicant has been his friend for the last six years.
5. A copy of the applicant's residential lease dated September 1, 2001, for a rental unit in Cottonwood Balch Spring, Texas.
6. A copy of an affidavit from [REDACTED] of Irving, Texas, dated January 22, 2005, verifying the applicant's employment doing maintenance for new homes from March 2001.

Based upon the documentation submitted by the applicant, it is determined that he has established his continuous residence and continuous physical presence during the required time period. 8 C.F.R. § 244.2 (b) and (c).

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 March 13, 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). He did not submit any evidence to establish that he was eligible for late initial registration.

On appeal, the applicant submits evidence to establish his continuous residence and continuous physical presence in the United States. However, this evidence does not mitigate the applicant's failure to file his Application for Temporary Protected Status within the initial registration period or his failure to submit evidence that he is a citizen or national of El Salvador. The applicant has not submitted any 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) or to provide any photo identification such as a passport or national identity document to establish his nationality. 8 C.F.R. § 244.2(a) and § 244.9(a)(1). Consequently, the application shall be denied for these reasons

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. An alien applying for temporary protected status 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.