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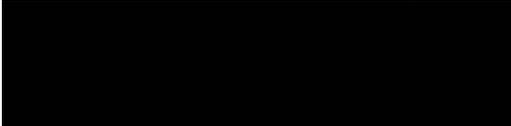
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:



[EAC 07 048 70942]

Office: VERMONT SERVICE CENTER

Date:

JAN 03 2008

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center (VSC), and is now before the Administrative Appeals Office (AAO), 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 applicant filed an initial Form I-821, Application for Temporary Protected Status, under receipt number SRC 0221454062 after the initial **registration** period had closed. The Director, Texas Service Center (TSC), denied that application on August 22, 2002, after determining that the applicant had failed to establish he was eligible for late initial **registration**. The TSC Director also found that the applicant had not established that he had been continuously physically present in the United States since **January 5, 1999** or that he had continuously resided in this country since December 30, 1998. On February 27, 2003, the Director, AAO, rejected the applicant's appeal as untimely. The applicant filed another Form I-821 on July 17, 2003, again after the initial registration period had closed. The Director, TSC, denied that application on December 30, 2003, after determining the applicant had failed to submit evidence to establish he was eligible for late initial registration. On February 10, 2005, the Director, AAO, dismissed the applicant's appeal from the December 30, 2003 determination, finding that he had **failed** to establish he was eligible for late initial registration. The AAO Director also found that the applicant had not established that he had been continuously physically present in the United States since January 5, 1999 or that he had continuously resided in this country since December 30, 1998. The applicant filed the current application under receipt number EAC 07 048 70942, again after the initial **registration** period had closed. The VSC Director determined that the applicant had **failed** to establish he was eligible for late initial registration. The VSC Director also found that the applicant had not established that he had been continuously physically present in the United States since January 5, 1999 or that he had continuously resided in this country since December 30, 1998.

On appeal, the applicant requests that his case be re-opened to give him the opportunity to be legal in this country. He states that he has answered all the requests that he has received from Citizenship and Immigration Services (CIS) and that since he came to the United States in 1998, he has never been in any **kind** of trouble nor has he ever been stopped by any official of CIS. The applicant further states that he wants to live in this country, be employed and to help his family. The applicant provides documentation in support of his claim.

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 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 shows that the applicant filed his latest application with Citizenship and Immigration Services on November 17, 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 appeal, the **applicant** submits evidence in an attempt 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. 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). Consequently, the director's **decision** to deny the application for TPS is affirmed.

On appeal, the applicant submits evidence in an attempt 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. 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(t)(2).

The applicant has submitted some evidence for 1998 and 1999 in the form of photocopied receipts from firms such as Wal*Mart, **Burtines**, and Waccamaw of Sunrise, Florida. These receipts do not bear his name and therefore are of little probative value. He has not submitted sufficient evidence to establish **continuous** residence and continuous physical presence during the requisite period. Consequently, it is determined that the applicant has not established his continuous residence and continuous physical presence during the required time period. 8 C.F.R §§ 244.2 (b) and (c). **Therefore**, the director's decision is **affirmed** 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 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.