

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 El Salvador who is seeking 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 registration. The director also found that the applicant had failed to establish his **qualifying** continuous residence in the United States during the requisite periods.

On appeal, the applicant asserts he is eligible for TPS.

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 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) **H**as continuously resided in the United States since such **d**ate 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.

The phrase continuously physically present, as defined in 8 C.F.R. § 244.1, means actual physical presence in the United States for the entire period specified in the regulations. An alien shall not be considered to have failed to maintain continuous physical presence in the United States by virtue of brief, casual, and innocent absences as defined within this section.

The phrase continuously resided, as defined in 8 C.F.R. § 244.1, means residing in the United States for the entire period specified in the regulations. An alien shall not be considered to have failed to maintain continuous residence in the United States by reason of a brief, casual and innocent absence as defined within this section or due merely to a brief temporary trip abroad required by emergency or extenuating circumstances outside the control of the alien.

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. Subsequent extensions of the TPS designation have been granted; with the latest extension valid until March 9, 2009, upon the applicant's re-registration during the requisite time period.

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 Citizenship and Immigration Services (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).

The first issue in this proceeding is whether the applicant is eligible for late registration.

The initial registration period for Salvadorans was from March 9, 2001, through September 9, 2002. The record reveals that **the applicant** filed his application with Citizenship and Immigration Services (CIS) on October 2, 2006. To **qualify** for late registration, the applicant must provide evidence that during the initial **registration** period he fell within at least one of the provisions described in 8 C.F.R. § 244.2(f)(2) above.

On January 4, 2007, the applicant was requested to submit evidence establishing his 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 his **qualifying** continuous residence and continuous physical presence in the United States. **The applicant**, in response, provided documentation relating to his residence and physical presence in the United States.

The director determined that the applicant had failed to establish he was eligible for late registration **and** denied the application on February 20, 2007.

On appeal, the applicant asserts he is eligible for TPS.

The applicant submitted evidence in an attempt to establish his qualifying residence and 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** articulated any basis of eligibility to file a late registration, and has not submitted any evidence to establish that he has met any of the criteria for late registration described in 8 C.F.R. § 244:2(f)(2). Consequently, the director's conclusion that the applicant had failed to establish his eligibility for late registration will be affirmed.

The second issue in this proceeding is whether the applicant has established his continuous residence in the United States since February 13, 2001.

As stated above, the applicant was requested on January 4, 2007, to submit evidence establishing his qualifying continuous residence in the United States. The **applicant**, in response, provided additional documentation, including money order receipts,

The director determined that the applicant had established a qualifying continuous physical presence from March 9, 2001, but had failed to **establish** a qualifying continuous residence since February 13, 2001.

On appeal, the applicant reasserts his claim and submits **the** following documentation:

1. Money order receipts for dates in August, 2000, 2001, 2002, 2004, 2006.
2. Account cards for Gigante express and Western Union.
3. **Copy** of correspondence sent to applicant in 2000.
4. , Untranslated, handwritten letters.
5. Letters attesting to the applicant's qualifying residence and physical presence.

The letters listed at number 4 above are not translated, and do not list a mailing date or bear the applicant's address on the envelopes. The account cards listed at number 2 above do not bear the applicant's address, **do** not bear an issue date, and only cover a period after 2002. Money **order** receipts may provide some support to an alien's assertions of a **physical** presence on that date, however, as evidence of a residence they are not fully probative unless corroborated by additional evidence in the record. Standing alone, or with little other evidence, are not sufficiently probative **of** residence to carry the applicant's burden.

Finally, the letters listed at number 5 above, are not sufficiently credible or probative to support the applicant's assertions. As an example, one letter simply attests that **the** affiant has known the applicant since May of 1999, but fails to list a residence' address. The remaining letter asserts generically that the affiant has known the applicant "for five years." As the letter is dated March 1, 2007, it is of little relevance to the period in question. When viewed in an aggregate context the totality of the evidence does not establish a qualifying continuous residence in the United States for the required **period**.

The applicant has not submitted sufficient credible evidence to establish his qualifying continuous residence in the United States since February 13, 2001. He has, therefore, failed to **establish** that he has met the criteria described in 8 C.F.R. § 244.2(c). Consequently, the director's decision to deny the application for TPS on these grounds will also **be** affirmed.

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 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.