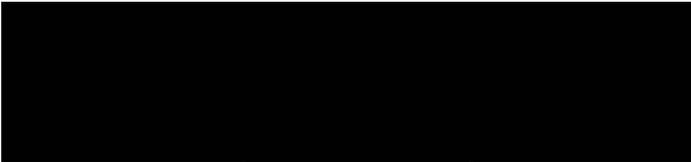


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invasion of personal privacy



**U.S. Citizenship  
and Immigration  
Services**

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: **JAN 22 2008**  
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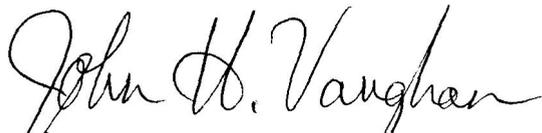
INRE: Applicant: [REDACTED]

APPLICAnON: 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.

  
Per Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center (CSC), and is now before the Administrative Appeals Office (AAO) 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 she was eligible for late registration. The director also found the applicant failed to establish her nationality and identity, as well as her qualifying continuous residence and continuous physical presence in the United States during the requisite time periods.

On appeal, the applicant submits the Form I-290B and documentation previously provided.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2, provide that an applicant is eligible for TPS 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 (t)(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 initial Form 1-821, Application for Temporary Protected Status, with Citizenship and Immigration Services (CIS) on January 30, 2005, more than five years and five months after the initial registration period had ended.

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(t)(2) above.

The burden of proof is upon the applicant to establish that 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 her burden of proof the applicant must provide supporting documentary evidence of eligibility apart from her own statements. 8 C.F.R. § 244.9(b).

In support of her initial TPS application, the applicant submitted a photocopy of an abstract of her Honduran birth certificate.

On July 20, 2006, the applicant was requested to submit evidence establishing her eligibility for late registration as set forth in 8 C.F.R. § 244.2(t)(2). The applicant was also requested to submit evidence establishing her nationality and identity, and her qualifying continuous residence and continuous physical presence in the United States during the requisite time periods. On August 18, 2006, the applicant responded by submitting photocopies of the following additional documentation:

1. an English translation of her birth certificate;
2. a letter, dated August 2, 2006, from her mother, [REDACTED], stating that the applicant arrived in the United States in 1998;
3. a diploma from South Broward High School, dated June 2003;
4. a letter from Dollar Paradise, Miami Beach, Florida, stating that the applicant had been employed since September 2004;
5. Internal Revenue Service (IRS) Forms W-2 for 2004 and 2005;
6. a letter, dated August 1, 2006, from All Dental Services, Inc., Hollywood, Florida, stating that the applicant had been a patient since March 10, 2006;
7. a letter of support, dated August 1, 2006, from [REDACTED]

8. a letter from CharLee Preschool & Childcare, dated August 3, 2006, stating that the applicant served as a volunteer from September 1998 to June 2003;
9. a letter, dated July 31, 2006, and documentation from Washington Mutual, Hollywood, Florida, indicating that the applicant opened accounts on January 23, 2006;
10. a Western Union receipt, dated July 31, 2006; and,
11. earnings statements for the pay periods ending May 25, 2006, and August 3, 2006.

The director determined that the applicant had failed to establish: (1) her eligibility for late registration; (2) her nationality and identity; and, (3) her qualifying continuous residence and continuous physical presence in the United States during the requisite time periods. The director denied the application on September 14, 2006.

On appeal, the applicant resubmits documentation previously provided and requests that her case be reviewed.

Thus, the applicant still has not submitted any evidence to establish that she meets any of the criteria for late registration described in 8 C.F.R. § 244.2(f)(2). Consequently, the director's decision to deny the application for failure to establish eligibility for late registration will be affirmed.

The applicant claims to have lived in the United States since an unspecified date in 1998. It is reasonable to expect that she would have a variety of contemporaneous evidence to support this claim. However, no documentation whatsoever has been submitted dated 1998 through June 2003.

It is concluded that the applicant has not submitted sufficient evidence to establish her qualifying continuous residence in the United States since February 13, 2001, and continuous physical presence since March 9, 2001, to the date of filing her application on January 30, 2005. Therefore, she has failed to establish that she meets the criteria described in 8 C.F.R. §§ 244.2(b) and (c). Consequently, the director's decision to deny the application for these reasons 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 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.