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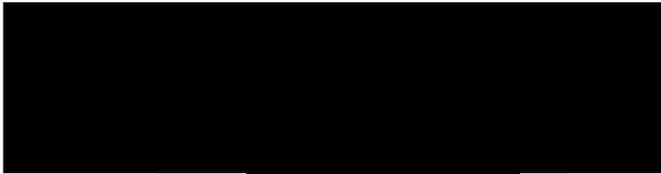
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
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Services

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FILE: [REDACTED]
[EAC 06 250 81896]

OFFICE: Vermont Service Center DATE: MAR 19 2008

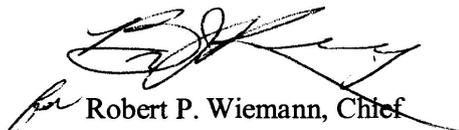
INRE: Applicant: [REDACTED]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration
and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:
[REDACTED]

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.


for 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 (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Honduras 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 that she was eligible for late registration. The director also found that the applicant had failed to establish her qualifying continuous residence and continuous physical presence in the United States during the requisite periods.

On appeal, the applicant states that she could not afford to file her application during the initial registration period because she was sick and that she did not work at that time.

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 (t)(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 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 designation of TPS for Hondurans has been extended several times, with the latest extension valid until January 5, 2009, upon the applicant's re-registration during the requisite time period.

The initial registration period for Hondurans was from January 5, 1999, through August 20, 1999. The record reveals that the applicant filed this application with Citizenship and Immigration Services (CIS) on May 29, 2006.

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 record of proceedings confirms that the applicant filed her application after the initial registration period had closed. 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.

On August 18, 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 qualifying continuous residence and continuous physical presence in the United States. In response, the applicant submitted evidence in an attempt to establish her continuous residence and continuous physical presence during the requisite periods. She did not submit evidence for eligibility for late registration.

The director determined that the applicant had failed to establish she was eligible for late registration and denied the application on April 30, 2007.

The applicant has not submitted any evidence to establish that she has met any of the criteria for late registration described in 8 C.F.R. § 244.2(t)(2). Consequently, the director's conclusion that the applicant had failed to establish her eligibility for late registration will be affirmed.

The second issue in this proceeding is whether the applicant has established her continuous residence in the United States since December 30, 1998, and her continuous physical presence in the United States since January 5, 1999.

As stated above, the applicant was requested on August 18, 2007 to submit evidence establishing her qualifying continuous residence and continuous physical presence in the United States. In response, the applicant submitted the following documentation:

1. A copy of her Honduran passport;
2. A copy of her Honduran birth certificate and an English translation;
3. A copy of a United States of America passport issued to her son, [REDACTED] on September 25, 2002;
4. A copy of [REDACTED]'s birth certificate registered on October 24, 2000 with the date of birth of September 21, 2000;
5. An affidavit dated September 11, 2006 from [REDACTED] the applicant's sister-in-law, attesting that the applicant used to work for her as a **cleaning aide**;
6. An affidavit dated September 11, 2006 from [REDACTED] the applicant's brother, stating that the applicant came to the United States on December 12, 1998;
7. Copies of pay stubs from Dependable Temp Service, Inc. dated December 23, 2004 through June 2, 2006;
8. Copies of Earnings Statements for the years 2004 and 2005 from Paris Maintenance & Management Co., Inc.;
9. Copies of pay stubs from Southeast Dairy Queen, LLC, dated November 5, 2002, December 5, 2002, and February 5, 2003;
10. A copy of Federal and New Jersey State Tax Returns prepared by Maicatours Travel on March 13, 2006;
11. A copy of a money transfer receipt from Iberoamerica dated June 16, 2006;
12. Copies of a County of Riverside Department of Public Social Services Official Receipt dated February 5, 2002 and December 27, 2001;

13. A copy of a premium payment notice dated in 2004 from Gerber Life Insurance Company for _
14. A copy of a Policy Cancellation letter from Gerber Life Insurance Company dated September 8, 2004;
15. A copy of a letter from Service Employer International Union (SEIU) dated October 15, 2004;
16. A letter from Certified Credit & Collection Bureau, Collection Department, dated August 17, 2000;
17. A copy of a Lab Report from Christ Hospital dated September 2, 2000;
18. A copy of a medical bill from Pediatric Association of New Jersey, P.A., dated January 27, 2001;
19. A copy of an IRS letter issued to ITIN May 6, 2005;
20. Copies of 2005 Form W-2 and Form 1040 U.S. Individual Income Tax Return; and,
21. A copy of a 2003 Form W-2.

On appeal, the applicant submits a Patient Identification Form from North Hudson Community Action Corporation Health Center, dated February 7, 2000, indicating that she was a patient from February 7, 2000 to September 21, 2000.

The applicant has not submitted sufficient evidence to establish her qualifying continuous residence or continuous physical presence in the United States during the requisite periods. The earliest date shown on these documents is February 7, 2000. This date, however, does not validate the applicant's presence in the United States from December 30, 1998, or January 5, 1999. Moreover, the applicant claims to have been in the United States since January of 1998. It is reasonable to expect that she would have some type of contemporaneous evidence to support that assertion; however, no such evidence has been provided. She has, therefore, failed to establish that she has met the continuous residence and continuous physical presence criteria described in 8 C.F.R. § 244.2(b) and (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.