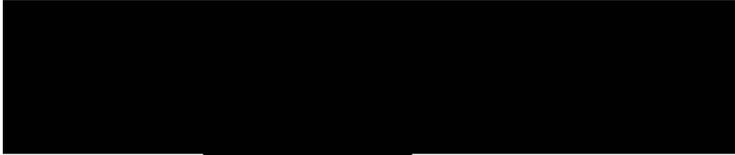




**U.S. Citizenship
and Immigration
Services**

**identifying data deleted to
prevent clarity unwarranted
invasion of personal privacy**

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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: MAR 25 2008
[EAC 07 057 50487, appeal]
[EAC 06 226 50826]

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: 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. Wiema".

Robert P. Wiema, 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 is 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 she was **eligible** for late initial **registration**. The director also found that the applicant had not established that she had continuously resided in the United States since February 13, 2001 or that she had been continuously physically present in this country since March 9, 2001.

The appeal has been submitted by the applicant and an individual who indicates she is an ordained minister doing voluntary work in the community. However, she is not authorized to represent the applicant because she has not submitted a written declaration that she is appearing without direct or indirect remuneration as required by the **regulations** at 8 C.F.R. § 292.1(a)(3)(ii). Therefore, the applicant shall be considered as self-represented and the decision shall only be furnished to her.

On appeal, the applicant states that she wants her application to be considered under late filing provisions so that she can contribute to this country in a right and legal manner. The applicant provides documentation in support of her 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 IOI(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 (i)(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 EI 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 EI Salvadorans was from March 9, 2001, through September 9, 2002. The record shows that the applicant filed her application with Citizenship and Immigration Services on July 31, 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 September 13, 2006, the applicant was requested to submit evidence establishing her **eligibility** for late registration as set forth in the regulations at 8 C.F.R § 244.2(f)(2). The applicant was also requested to submit evidence establishing her continuous residence and continuous physical presence in the United States. The applicant, in response, provided documentation relating to her residence and physical presence in this country. However, she did not submit any evidence to establish that she was eligible for late initial registration.

On appeal, the applicant submits evidence in an attempt to establish her continuous residence and continuous physical presence in the United States. However, this evidence does not mitigate the applicant's **failure** to file her Application for Temporary Protected Status within the initial **registration** period. The applicant has not submitted

any evidence to establish that she 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.

The applicant indicates on the Form 1-821, Application for Temporary Protected Status, that she did not enter the United States until May 25,2004. Therefore, she cannot establish continuous residence in the United States since February 13, 2001, or continuous physical presence in the United States since March 9,2001. 8 C.F.R. § 244.2 (b) and (c). Consequently, the director's decision is affirmed for these two 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.