

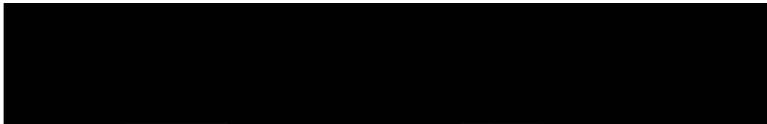
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



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

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FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: **MAR 25 2008**
[EAC 07 205 50508, *appeal*]
[EAC 06 20970004]

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 "R. Wiemann".

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 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 director denied the application after determining that the applicant had failed to register for TPS in a timely manner within the initial **registration** period and because the applicant had not met the continuous residence and continuous physical presence requirements for TPS.

A Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted by an individual who indicates she is a social worker. 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 submits a copy of her Republic of Honduras passport and states:

Because I did not file the 1- 821/1-765 Form on 1998 to 1999, I was sure that I got legal documents under my U.S.C. Step mother. My petition was approved and all proves were under my **father** name. Please I need my work permit.

The applicant submits a copy of her Republic of Honduras passport for consideration. 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 (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 shows that the applicant filed her application with Citizenship and Immigration Services (CIS), on April 20, 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.

The applicant acknowledges that she did not file a Form 1-821, Application for Temporary Protected Status, during the initial registration period ending on August 20, 1999. However, she argues that she is eligible because "I got legal documents under my U.S.C. Step mother." The record shows that, based upon an approved visa petition, the applicant filed a Form 1-485, Application to Register Permanent Residence or Adjust Status, on June 13, 2005, and that the Form 1-485 was pending when she filed her initial Form 1-821. However, to confer eligibility for late initial registration to the applicant, the Form 1-485 would have had to be pending during the initial registration period. It is noted that the 1-485 was denied on May 18, 2006 by the District Director of the Newark, New Jersey, CIS office.

The applicant indicates on the Form 1-485, that she did not enter the United States until 2002. Therefore, she cannot establish continuous residence in the United States since December 30, 1998, or continuous physical presence in the United States since January 5, 1999. 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



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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.