PUBLIC COPY

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

U.S. Department of Homeland Security
20 Mass, Rm, A3042, 425 I Street, N.W.
Washington, DC 20536

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: MAY 18 2004

IN RE: Applicant: [redacted]

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

ON BEHALF OF PETITIONER: 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.

Cindy N. Gomez for

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the 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 seeking Temporary Protected Status (TPS) under section

The director denied the application for Temporary Protected Status (TPS) under and because the applicant failed to establish he had: 1) continuously resided in the and 2) been continuously physically present in the United The director, therefore, denied the application.

On appeal, the applicant states that he disagrees with the decision to deny

and the related regulations in 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 of a foreign state designated under section

(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 since such date as the Attorney General may designate;

(d) Is admissible as an immigrant except as provided unde

(e) Is not ineligible under

(f) (1) during the initial registration period announced by public notice in th

(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

The term continuously physically present, as used means actual physical presence in the United States since Any departure, including any brief, casual, and innocent departure, shall be deemed to break an alien's continuous physical presence.

The term continuously resided as used in means residing in the United States for the entire period specified in the regulations and 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 and that they have been continuously physically present in the United States since nnounced an extension of the TPS designation Subsequent extensions of the TPS designation have been granted, with the latest extension valid unt upon the applicant's re-registration during the requisite 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 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 statemen

On he applicant was informed that because he entered the United States on he could not establish that he maintained continuous residence in the United States since or maintained continuous physical presence in the United States

On appeal, the applicant states that he should be considered as a child of a parent who has been approved f The applicant admits he has only been living in this country The applicant contends, however, that his TPS application is based on his mother's approved application, so he should be able to qualify for TPS through her. However, the applicant is still required to meet the continuous residence and physical presence requirements in order to be granted TPS as the child of a TPS recipient. Because the applicant entered the he cannot meet these requirements. Consequently, the director's decision to deny the application for temporary protected status will be affirmed.

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 applicant has failed to meet this burden.

ORDER: The appeal is dismissed.